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TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 16]

PART 73—SCABIES IN CATTLE CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 73.0, as amended, Part 73, Subchapter C, Chapter I, Title 9, Code of Federal Regulations (22 F. R. 3389), which quarantines certain areas because of scabies, is hereby further amended to read as follows:

§ 73.0 *Notice and quarantine.* Notice is hereby given that cattle in Colorado are affected with scabies, a contagious, infectious, and communicable disease, and the following areas in such State are hereby quarantined because of said disease:

- (a) Crowley County.
- (b) The following areas in Pueblo County:
 - (1) That portion of Section 35, in Township 21, Range 60 W., lying South of the Missouri Pacific Railroad; and
 - (2) Sections 2 and 3, in Township 22, Range 60 W.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment releases all areas in Bent, Las Animas, Otero, and Prowers Counties in Colorado heretofore quarantined because of scabies. Hereafter, the restrictions pertaining to the interstate movement of cattle from quarantined areas, contained in 9 CFR and Supp., Part 73, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in this part will apply thereto.

The amendment relieves certain restrictions presently imposed, and must

be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 117, 120, 123, 125)

Done at Washington, D. C., this 2d day of April 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-2562; Filed, Apr. 7, 1958; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 21-2]

PART 21—AIRLINE TRANSPORT PILOT RATING

HELICOPTER CATEGORY RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 2d day of April 1958.

The Civil Aeronautics Act of 1938, as amended, requires that the certificate issued to pilots serving in scheduled air transportation be designated "airline transport pilot." In view of this provision, Part 21 of the Civil Air Regulations sets forth the present requirements for the issuance of an "airline transport pilot" certificate with appropriate ratings.

This amendment to Part 21 establishes provisions for the issuance of an airline transport pilot certificate with a helicopter category rating, including provisions for the issuance of a helicopter rating to persons presently holding an airline transport pilot certificate with an airplane rating. In promulgating

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CFR SUPPLEMENTS (As of January 1, 1958)

The following Supplements are now available:

Title 32, Parts 700-799 (\$0.60)

Title 43 (\$0.70)

Title 49, Part 165 to end (\$0.75)

Previously announced: Title 3, 1957 Supp. (\$0.40); Titles 4-5 (\$1.00); Title 8, Rev. Jan. 1, 1958 (\$3.25); Title 9 (\$0.75); Titles 10-13 (\$1.00); Title 17 (\$0.65); Title 18 (\$0.50); Title 20 (\$1.00); Titles 30-31 (\$1.50); Title 32, Part 1100 to end (\$0.50); Titles 35-37 (\$1.00); Title 39 (\$0.60); Titles 40-42 (\$1.00); Title 46, Parts 1-145 (\$0.75), Parts 146-149, Rev. Jan. 1, 1958 (\$5.50)

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this amendment, careful consideration has been given to comment received in response to Civil Air Regulations Draft Release No. 53-13, circulated July 23, 1953, the results of a public meeting held in Washington, D. C., in June of 1954, and comment received in response to Civil Air Regulations Draft Release No. 56-3, circulated January 19, 1956.

This amendment differs from the detailed proposals circulated in Draft Releases 53-13 and 56-3 in some respects. For example, it does not require an applicant for an airline transport pilot certificate with a helicopter category rating to have an instrument rating. Inasmuch as no helicopters are presently approved for instrument flight and no helicopter instrument operations are authorized, to require an instrument rating would make it necessary for a helicopter pilot to secure the rating in an airplane, thus imposing an unnecessary and unreasonable financial burden upon the applicant. It is considered necessary, however, that there be indicated on each certificate with a helicopter category

rating that the holder thereof is authorized to pilot helicopters in accordance with VFR flight rules only. At such time as the Board by regulation authorizes helicopter IFR operations, Part 21 will be amended to require all holders of an airline transport pilot certificate with a helicopter category rating to qualify for an instrument rating by demonstrating competence and knowledge of the appropriate procedures involving instrument flight in helicopters.

A person holding a valid airline transport pilot certificate with an airplane category rating is required, among other things, to have at least 15 hours of night flight time in a helicopter to qualify for a helicopter category rating. Such a requirement is considered necessary in the interest of safety in view of the flight characteristics of the helicopter; the degree of proficiency required for night operations, particularly in autorotative landing configurations; and the low weather minimums authorized for night operations.

In addition, a holder of an airline transport pilot certificate with an airplane category rating who desires to obtain a helicopter category rating is required to complete 100 hours of helicopter flight time as pilot in command or complete a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of helicopter flight time. The Board considers that 75 hours of flight time under the supervision of an approved agency or certificated air carrier will provide a degree of proficiency on the part of the pilot at least the equivalent of that which would be provided by 100 hours of unsupervised helicopter flight time as originally proposed.

In establishing these minimum experience requirements for an additional category rating, the Board has taken into consideration the 1,200-hour experience requirement already met by the applicant, and the fact that prior to serving in scheduled air transportation each pilot must comply with the training program required by the several air carrier operating parts of the Civil Air Regulations.

Further, it is the Board's opinion that insofar as safety is concerned, no useful purpose would be served by requiring pilots presently serving as pilots in command in scheduled air carrier helicopter operations to accomplish the written and flight examinations set forth in this amendment. It is considered that a satisfactory level of competence has been assured by the accomplishment of the required periodic flight checks, the requirement for 100 hours as pilot in command in scheduled air carrier operations, and by participation in the various air carrier training programs.

Interested persons have been afforded an opportunity to participate in the making of this regulation (21 F. R. 630), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR Part 21, as amended) effective July 1, 1958:

1. By adding new §§ 21.19, 21.19a, 21.19b, 21.19c, and 21.19d to read as follows:

§ 21.19 *Airline transport pilot certificate (helicopter)*. An applicant for an airline transport pilot certificate with a helicopter rating authorizing the piloting of a helicopter under VFR flight rules only shall meet the aeronautical requirements of §§ 21.19a through 21.19c in lieu of §§ 21.15 through 21.18: *Provided*, That an airline transport pilot certificate with a helicopter category rating and appropriate class and type ratings will be issued to a pilot who has served for at least 100 hours as pilot in command in scheduled air carrier helicopter operations within the 12 months immediately preceding the date of application and who otherwise meets the qualification requirements of this part.

§ 21.19a *Aeronautical knowledge*. Applicant shall be familiar with and shall accomplish a satisfactory written examination on:

- (a) Provisions of the Civil Air Regulations pertinent to the air carrier operation of helicopters;
- (b) Helicopter design, components, systems, and performance limitations;
- (c) Basic principles of loading and weight distribution and their effect on helicopter flight characteristics;
- (d) Air traffic control systems and procedures pertinent to the operation of helicopters;
- (e) Procedures for the operation of helicopters in potentially hazardous meteorological conditions; and
- (f) Theory of flight as applicable to helicopters.

§ 21.19b *Aeronautical experience*. Applicant shall hold a valid commercial pilot certificate or equivalent as determined by the Administrator, and shall have had at least 1,200 hours of flight time as pilot within the last 8 years, of which:

- (a) 5 hours shall have been in helicopters within 60 days immediately preceding the date of application;
- (b) 500 hours shall have been cross-country flight time;
- (c) 100 hours shall have been night flight time, of which at least 15 hours shall have been in helicopters; and
- (d) 200 hours shall have been in helicopters, of which 75 hours shall have been as pilot in command of a helicopter, or as copilot actually performing the duties and functions of a pilot in command under the surveillance of a pilot in command, or any combination thereof.

§ 21.19c *Aeronautical skill*. Applicant shall demonstrate to the satisfaction of the Administrator his ability to pilot helicopters. Such demonstration shall include at least the following:

- (a) Maneuvers consisting of normal take-offs and landings, cross-wind landings, climbs and climbing turns, steep turns, maneuvering at minimum speed, rapid descent, and quick stops;
- (b) Simulated emergency procedures including failure of an engine or other components or systems, fire, ditching,

evacuation, and operation of emergency equipment;

(c) Autorotative approaches and landings with simulated one engine inoperative; and

(d) Such other maneuvers as the Administrator may deem necessary to demonstrate the competence of the applicant.

§ 21.19d *Additional category ratings*. (a) A person holding a valid airline transport pilot certificate with an airplane category rating who applies for a helicopter category rating authorizing the piloting of a helicopter under VFR flight rules only shall:

- (1) Comply with the provisions of §§ 21.19a and 21.19c; and
- (2) Have completed at least 100 hours, including 15 hours at night, of helicopter flight time as pilot in command of a helicopter, or as copilot actively performing the duties and functions of a pilot in command under the surveillance of a pilot in command who holds a valid airline transport pilot certificate with the appropriate helicopter rating, or any combination thereof; or have completed a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of helicopter pilot-in-command, copilot, solo, or dual instruction time, or any combination thereof, of which 15 hours shall have been at night.

(b) A person holding a valid airline transport pilot certificate with a helicopter category rating who applies for an airplane category rating shall:

- (1) Comply with the provisions of §§ 21.15 through 21.18; and
- (2) Have completed at least 100 hours, including 15 hours at night, of airplane flight time as pilot in command of an airplane, or as copilot actively performing the duties and functions of a pilot in command under the surveillance of a pilot in command who holds a valid airline transport pilot certificate with the appropriate airplane rating, or any combination thereof; or have completed a training program conducted by a certificated air carrier or other approved agency requiring at least 75 hours of airplane pilot-in-command, copilot, solo, or dual instruction time, or any combination thereof, of which 15 hours shall have been at night.

2. By amending § 21.34 by adding a new paragraph (e) to read as follows:

§ 21.34 *Aircraft category rating*. * * *
(e) Helicopter.

3. By amending § 21.35 by adding a sentence to the end of paragraph (b) to read as follows: "A helicopter type rating shall be issued for each type of helicopter."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended; 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2557; Filed, Apr. 7, 1958; 8:49 a. m.]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 2d day of April 1958.

Special Civil Air Regulation No. SR-400A, effective January 25, 1956, continued in effect the provisions of SR-400 and SR-369 and provides for regulation, on an interim basis, of the certification and operation of scheduled air carrier helicopters. These Special Civil Air Regulations also gave authority to the Administrator to issue air carrier operating certificates to scheduled air carrier helicopter operators and to permit deviations from Parts 40 and 61 as in effect December 31, 1953.

As the regulatory requirements of Parts 40 and 61 are not directly applicable to helicopter operations, it has been necessary for the Administrator to use the authority contained in SR-400A to grant waivers where necessary and appropriate.

In the interest of establishing specific regulatory requirements for scheduled helicopter operations, Civil Air Regulations Draft Release No. 50-2, "Scheduled Air Carrier Helicopter Certification and Operation Rules," was prepared and circulated to all interested parties for comment on February 20, 1950. As a result of the comments and recommendations received at that time, it was decided that immediate adoption of helicopter regulations was premature.

In late 1951, a revised draft of proposed Part 46 was prepared but issuance of this draft was delayed until such time as it could be made to conform with the general policy then being established in new Part 40 entitled "Scheduled Interstate Air Carrier Certification and Operation Rules."

Subsequently, Draft Release 53-12, "Scheduled Air Carrier Helicopter Certification and Operation Rules," was circulated on July 23, 1953, for comment by interested parties. The comment on this draft release was consolidated and circulated, and a meeting was held in Washington in June of 1954 for the purpose of discussing the revised proposal. Following this meeting, proposed Part 46 was again revised, published in the FEDERAL REGISTER, and circulated as Draft Release 56-2 on January 19, 1956.

The suggestions made in the comments submitted thereon have been carefully studied and where considered appropriate have been included in this part. These comments also brought to light several controversial matters. These matters which are discussed below have been resolved as equitably as possible and in the opinion of the Board the determinations which have been reached will assure reasonable and satisfactory standards of safety.

The Board is of the opinion that the use of certificated dispatchers in exercising operational control of scheduled air carrier helicopters is not essential to safety and need not be required. In reaching this determination the Board took into consideration that two of three presently certificated helicopter air carriers have operated for a number of years

with an excellent safety record without utilizing certificated dispatchers and have developed means of securing operational control of helicopters in flight and prior to release for flight which are satisfactory to the Administrator; that generally all operations are conducted in a limited metropolitan area under visual flight rules; and that flight stage lengths are short in all cases. In addition consideration was given to the nature of the route structures and the fact that emergency landing areas will be available at almost all points along the route. A requirement that the carrier establish and maintain a training program to insure that all operations personnel who perform duties involving operational control of helicopters are adequately trained in their duties and responsibilities has, however, been included in this part.

Comment received revealed a wide variance of opinion concerning the proper method of computing flight time in helicopter operations. Some persons contended that "block-to-block time" as presently required in Part 40 is also appropriate for Part 46. Others contended that "rotor time" (the time from which the rotors start turning for the purpose of flight until they stop at the end of a flight or series of flights) is the only valid measure of determining pilot fatigue time. In view of this controversy, the Board, published in the FEDERAL REGISTER (22 F. R. 10758) and on December 20, 1957, circulated as Draft Release 57-29, a notice that oral argument would be heard on the issue of the definition of "flight time" in Part 46. This argument was heard on January 23, 1958. After careful consideration of the comments and arguments presented, the Board has concluded that the "block-to-block" method of computing flight time limitations which is presently applicable to all scheduled air carrier operations, including helicopters, is a safe and reasonable method to determine such limitations and should be used in this part. In reaching this conclusion, the Board found that the difference between airplane and helicopter ground operations is not of such significance as to warrant different methods of determining maximum flight time limitations. One of the factors considered was that devices have been developed by which helicopter flight controls can be secured while the rotors are in motion on the ground. These devices relieve the pilot of most of the duties which were generally required during ground operation of helicopters. In addition, the Board considers that the present and anticipated use of two-pilot crews in scheduled helicopter operations and other improvements in equipment will also materially reduce the time and attention required of pilots in their duties while the helicopter is on the ground with the rotors turning.

Sections 46.30 and 46.31, which concern routes, specify that definite routes and route widths shall be established and approved by the Administrator. This concept is considered essential in view of the fact that all of the helicopters presently certificated for civil operations are single-engine and there is an attendant need for satisfactory emergency

landing areas at all times in the event of engine failure. Furthermore, all of the present operations are conducted over and adjacent to metropolitan areas where much caution must be exercised in determining helicopter routes. The Board is also persuaded by the fact that the Administrator has considered it necessary in the past to establish and approve routes with a designated width for all certificated scheduled helicopter operations.

With respect to the proposed requirements for § 46.261 (b), the Board has concluded that it is desirable to incorporate in this part the provisions of Part 40 presently in effect which require the use of a copilot when instrument operations are authorized or when helicopters weighing more than 12,500 pounds are used.

Concerning the proposed requirements of § 46.200 (c) which pertain to instrument lights, the Board is of the opinion that this requirement should conform, as closely as possible, to the corresponding provisions in part 40. Although some changes have been made in this paragraph there is no intention to change the present interpretation which is being followed regarding instrument light requirements.

With respect to the proposed requirements of § 46.304 (c) concerning the maintenance and re-establishment of route qualifications, the Board is of the opinion that a 3-month period is more realistic in view of the operation involved than the 12-month period as proposed in Draft Release 56-2 or the 6-month period proposed in Draft Release 53-12. Since current practice presently achieves this objective, no burden will be imposed by setting the requirement at 3 months.

Paragraph (b) of § 46.304 requires a pilot utilized in night helicopter operations as pilot in command to make at least one trip each 30 days during daylight over the route he is scheduled to fly. This is considered necessary due to the congested areas over which helicopter operations are conducted and the need for familiarization and knowledge concerning all obstructions, hazards, and emergency landing areas along the route. This can best be achieved during daylight hours.

This part will become effective 6 months after adoption in order to allow ample time for the air carriers and the Administrator to prepare for its implementation. It is fully realized that in the past, when a major part of the regulation has been implemented, difficulty has been encountered by the air carriers in the preparation of manuals, establishing personnel training programs and operational procedures, and familiarization of all personnel concerned with the details of the new requirements. The Administrator has, on occasion, also been handicapped by lack of time to fully and properly prepare Civil Aeronautics Manual material concerning a new part of the regulations and to distribute guidance material to CAA field personnel who must enforce such regulations and assist the air carriers in implementing new procedures and practices.

Interested persons have been afforded an opportunity to participate in the

making of this amendment (21 F. R. 631), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby adopts Part 46 of the Civil Air Regulations (14 CFR Part 46) to read as follows, effective October 1, 1958:

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46.2 Applicability of Parts 43 and 60 of this subchapter.
46.5 Definitions.

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46.505 Disposition of load manifest and flight release.
46.506 Maintenance records.
46.507 Maintenance log.
46.508 Daily mechanical reports.
46.509 Mechanical interruption summary report.
46.510 Alteration and repair reports.
46.511 Maintenance release.

AUTHORITY: §§ 46.1 to 46.511 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, as amended, 1010, as amended; 49 U. S. C. 551, 554, 555.

APPLICABILITY AND DEFINITIONS

§ 46.1 *Applicability of this part.* The provisions of this part are applicable to all air carriers holding certificates of public convenience and necessity issued in accordance with Title IV of the Civil Aeronautics Act of 1938, as amended, when utilizing helicopters to engage in scheduled interstate air transportation within the continental limits of the United States.

§ 46.2 *Applicability of Parts 43 and 60 of this subchapter.* The provisions of Parts 43 and 60 of this subchapter shall be applicable to all air carrier operations conducted under the provisions of this part unless otherwise specified in this part.

§ 46.5 *Definitions.* As used in this part, terms are defined as follows:

Administrator. The Administrator is the Administrator of Civil Aeronautics.

Air Carrier. An air carrier is any citizen of the United States who undertakes directly, or by lease or by other arrangement, the carriage by helicopter of persons or property as a common carrier for compensation or hire, or the carriage of mail by helicopter.

Airframe. Airframe means any and all kinds of fuselages, booms, nacelles, cowling, fairings, empennages, fixed airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including powerplants, rotor heads, power-transmitting components, and rotating airfoil surfaces.

Appliances. Appliances are instruments, equipment, apparatus, parts, appurtenances, or accessories of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of helicopters in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to helicopters during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, rotor heads, power-transmitting components, or rotating airfoil surfaces.

Approved. Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., means approved by the Administrator.

Authorized representative of the Administrator. An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform par-

ticular duties of the Administrator under the provisions of this part.

Check airman. A check airman is an airman designated by the air carrier and approved by the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties.

Crew member. A crew member is any individual assigned by an air carrier for the performance of duty on a helicopter in flight.

Duty aloft. Duty aloft includes the entire period during which an individual is assigned as a member of a helicopter crew during flight time.

En route. En route means the entire flight from the point of origination to the point of termination, including intermediate stops.

Flight crew member. A flight crew member is a crew member assigned to flight deck duty on a helicopter.

Flight release. A flight release is an authorization issued by an air carrier specifying the conditions for the origination or continuance of a particular flight.

Flight time. Flight time is the time from the moment the helicopter first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time).

Helicopter. A helicopter is a rotorcraft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors, rotating on substantially vertical axes.

Heliprot. A heliprot is an area of land, water, or any structure approved by the Administrator for the landing and take-off of helicopters.

HIR. HIR is the symbol used to designate helicopter instrument flight rules.

HVR. HVR is the symbol used to designate helicopter visual flight rules.

Interstate air transportation. Interstate air transportation is the carriage by helicopter of persons or property as a common carrier for compensation or hire or the carriage of mail by helicopter, in commerce between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States, or the District of Columbia; whether such commerce moves wholly by helicopter or partly by helicopter and partly by other forms of transportation.

Maximum certificated take-off weight. Maximum certificated take-off weight is the maximum take-off weight authorized by the terms of the helicopter airworthiness certificate.

Month. A month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

Operational control. Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

Operations specifications. Operations specifications are rules of particular applicability issued by the Administrator under delegated authority from the Board and are not part of the air carrier operating certificate.

Pilot in command. The pilot in command is the pilot designated by the air carrier as the pilot responsible for the operation and safety of the helicopter during the time defined as flight time.

Pilotage. Pilotage is navigation by means of visual reference to landmarks.

Provisional heliport. A provisional heliport is a heliport approved for use by an air carrier for the purpose of providing service to a community when the regular heliport serving that community is not available.

Rating. A rating is an authorization issued with a certificate, and forming a part thereof, delineating special conditions, privileges, or limitations pertaining to such certificate.

Refueling heliport. A refueling heliport is a heliport approved as a heliport to which flights may be dispatched only for refueling.

Regular heliport. A regular heliport is a heliport approved as a regular terminal or intermediate stop on an authorized route.

Rotor. A rotor is a system of rotating airfoils.

(1) **Main rotor(s).** The main rotor(s) is the main system of rotating airfoils providing sustentation for the helicopter.

(2) **Auxiliary rotor.** An auxiliary rotor is one which serves either to counteract the effect of the main rotor torque on the helicopter, or to maneuver the helicopter about one or more of its three principal axes.

Route. A route is an established way or course for helicopters which has been designated by the Administrator.

Route segment. A route segment is a portion of a route each terminus of which is identified by: (1) A continental or insular geographic location, or (2) a point at which a definite radio fix can be established.

Scheduled for duty aloft. Scheduled for duty aloft means the assignment of a flight crew member on the basis of the flight time established in the operations schedules rather than the actual flight time.

Show. Show means to demonstrate or prove to the satisfaction of the Administrator prior to the issuance of the air carrier operating certificate and at any time thereafter required by the Administrator.

Time in service. Time in service, as used in computing maintenance time records, is the time from the moment a

helicopter leaves the ground until it touches the ground at the end of a flight.

Type. With regard to airman qualifications, type means all helicopters of the same basic design including all modifications thereto except those modifications which the Administrator has found result in a substantial change in the characteristics pertinent to the airman concerned.

Visibility. Visibility is the greatest distance at which conspicuous objects can be seen and identified.

(1) **Flight visibility.** Flight visibility is the average range of visibility from the cockpit of a helicopter in flight to see and identify prominent unlighted objects by day and prominent lighted objects by night.

(2) **Ground visibility.** Ground visibility is the visibility at the earth's surface as reported by the United States Weather Bureau or by a source approved by the Weather Bureau.

Week. A week is that period of time extending from the first day of any week as delineated by the calendar through the last day thereof.

Year. A year is that period of time extending from the first day of any year as delineated by the calendar through the last day thereof.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 46.10 **Certificate required.** No person subject to the provisions of this part shall operate a helicopter in scheduled interstate air transportation without, or in violation of the terms of, an air carrier operating certificate issued by the Administrator.

§ 46.11 **Contents of certificate.** An air carrier operating certificate shall specify the points to and from which, and the routes over which, an air carrier is authorized to operate.

§ 46.12 **Application for certificate.** An application for an air carrier operating certificate shall be made in the form and manner and contain information prescribed by the Administrator.

§ 46.13 **Issuance of certificate.** (a) An air carrier operating certificate shall be issued by the Administrator to an applicant having a certificate of public convenience and necessity issued by the Civil Aeronautics Board when the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and with the operations specifications authorized in this part.

(b) Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations require or permit a deviation from any specific requirement for a particular operation or class of operations he may issue operations specifications prescribing requirements which deviate from the requirements of this part. The Administrator shall promptly notify the Board of such deviations in the operations specifications and the reasons therefor.

§ 46.14 Amendment of certificate. (a) The Administrator shall, after notice and opportunity for hearing to the carrier concerned, amend an air carrier operating certificate when he finds that such amendment is reasonably required in the interest of safety.

(b) Upon application by an air carrier the Administrator shall amend an air carrier operating certificate when he finds that the general standards of safety permit such an amendment.

§ 46.15 Display of certificate. The air carrier operating certificate shall be available at the principal operations office of an air carrier for inspection by any authorized representative of the Board or the Administrator.

§ 46.16 Duration of certificate. An air carrier operating certificate shall remain in effect until termination of the certificate of public convenience and necessity or other economic authorization issued by the Board held by the air carrier, or until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After suspension or revocation it shall be returned to the Administrator.

§ 46.17 Transferability of certificate. An air carrier operating certificate is not transferable, except with the written consent of the Administrator.

§ 46.18 Operations specifications required. (a) On and after the effective date of this part all helicopter air carrier operations specifications currently in force relating to interstate air transportation shall cease to be a part of any air carrier operating certificate and shall be deemed to be operations specifications issued under this part. Thereafter new or amended specifications shall be issued by the Administrator for operations subject to this part in a form and manner prescribed by him and in accordance with the provisions of this part.

(b) No person subject to the provisions of this part shall operate as an air carrier without, or in violation of, operations specifications issued by the Administrator.

§ 46.19 Contents of specifications. The operations specifications shall contain the following:

(a) Operations authorized;

(b) A current list of all helicopters authorized for use;

(c) En route authorizations and limitations;

(d) Heliport authorizations and limitations;

(e) Time limitation for components retirement, overhauls, inspections, replacement, and checks of airframes, rotors, powerplants, and appliances, or standards by which such time limitations shall be determined;

(f) Procedures used to maintain control of weight and balance of helicopters;

(g) Specific pages of the carrier's operations manual when such pages have been specifically designated and approved by the Administrator; and

(h) Such additional items as the Administrator determines, under the en-

abling provisions of this part, are necessary to cover a particular situation.

§ 46.20 Utilization of operations specifications. The air carrier shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the air carrier as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the air carrier.

§ 46.21 Amendment of operations specifications. Any operations specification may be amended by the Administrator if he finds that safety in air transportation so requires or permits. Except in the case of an emergency requiring immediate action in respect to safety in air transportation or upon consent of the air carrier concerned, no amendment shall become effective prior to thirty days after the date the air carrier has been notified of such amendment. Within thirty days after either the receipt of such notice or the refusal of the Administrator to approve an air carrier's application for amendment, the air carrier may petition the Board to review the action of the Administrator. Except with regard to emergency amendments by the Administrator, the effectiveness of any amendment concerning which the carrier has petitioned for review shall be stayed pending the Board's decision.

§ 46.22 Inspection authority. An authorized representative of the Board or the Administrator shall be permitted at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the Civil Aeronautics Act of 1938, as amended, the regulations in this subchapter, the provisions of the air carrier's operating certificate, and the operations specifications.

§ 46.23 Operations and maintenance base and office. Each air carrier shall give written notice to the Administrator of his principal business office, his principal operations base, and his principal maintenance base. Thereafter, prior to any change in any such office or base, he shall give written notice to the Administrator.

REQUIREMENTS FOR SERVICES AND FACILITIES

§ 46.30 Route requirements; demonstration of competence. The air carrier shall show that it is competent to conduct scheduled operations over any route or route segment between any regular, provisional, or refueling heliport and that the facilities and services available are adequate for the type of operation proposed. The Administrator shall not require actual flight over a route or route segment, if the air carrier shows that such flight is not essential to safety.

§ 46.31 Width of routes. A route or route segment shall have a width designated by the Administrator consistent with terrain, available navigational aids, traffic density, and air traffic control procedures.

§ 46.33 Heliports. The air carrier shall show that each route has sufficient heliports found by the Administrator to be properly equipped and adequate for the type of operations to be conducted. Consideration shall be given to items such as size, surface, obstructions, facilities, public protection, lighting, navigational and communications aids, and traffic control.

§ 46.34 Communications facilities. The air carrier shall show that a two-way air/ground radio communication system is available at such points as will insure reliable and rapid communications under normal operating conditions either direct or via approved point-to-point circuits for the following purposes:

(a) Communications between the helicopter and the appropriate air carrier operational control office, at the minimum flight altitudes specified in the operations specifications. Such systems shall be independent of systems operated by the Federal Government;

(b) Communications between the helicopter and the appropriate air traffic control unit, in which case the Administrator may permit the use of communications systems operated by the Federal Government; and

(c) When the Administrator finds that compliance with the requirements of paragraph (a) of this section is not practicable because of terrain conditions, he may authorize an exception to such requirements over specified segments of the route.

§ 46.35 Weather reporting facilities. The air carrier shall show that sufficient weather reporting services are available to insure such weather reports and forecasts necessary for the operation. Weather reports used to control operations shall be those prepared and released by the United States Weather Bureau, a source approved by the Weather Bureau, or by in-flight pilot reports. Forecasts used to control flight movements shall be prepared from such weather reports.

§ 46.37 Servicing and maintenance facilities. The air carrier shall show that competent personnel and adequate facilities and equipment are available for servicing helicopters.

MANUAL REQUIREMENTS

§ 46.50 Preparation of manual. The air carrier shall prepare and keep current a manual for the use and guidance of flight and ground operations personnel in the conduct of its operations.

§ 46.51 Contents of manual. (a) The manual shall contain instructions, information, and data necessary for the personnel concerned to carry out their duties and responsibilities with a high degree of safety. It shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. The contents of such manual shall not be contrary to the provisions of any Federal regulations, operations specifications, or the operating certificate. The manual may be in two or more separate parts (e. g., flight operations, ground operations, maintenance, com-

munications, etc.) to facilitate use by the personnel concerned, but each part shall contain so much of the information listed below as is appropriate for each group of personnel:

(1) General policies;
(2) Duties and responsibilities of each crew member and appropriate members of the ground organization;

(3) Reference to appropriate regulations in this subchapter and Civil Aeronautics Manuals;

(4) Operational flight control;
(5) En route flight, navigational, and communication procedures, including procedures for the initiation or continuance of flight, if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route;

(6) Appropriate information from the en route operations specifications, including for each approved route the types of helicopters authorized, their crew complement, the type of operation (i. e., HVR, day, night) and other pertinent information;

(7) Appropriate information from the heliport operations specifications, including for each heliport its location, its designation (i. e., regular, provisional, etc.), types of helicopters authorized, landing and take-off minimums, an appropriate diagram for each heliport showing access and egress routes, restricted areas, prominent obstructions, usable dimensions, and such other pertinent items as may assist the pilot;

(8) Take-off, en route, and landing weight limitations;

(9) Procedures for familiarizing passengers with the use of emergency equipment during flight;

(10) Emergency procedures and equipment;

(11) Procedures for determining the usability of landing and take-off areas and for dissemination of pertinent information to operations personnel;

(12) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any potentially hazardous meteorological conditions;

(13) Airman training programs, including appropriate ground, flight, and emergency phases;

(14) Instructions and procedures for maintenance, repair, overhaul, and servicing;

(15) Time limitations for components' retirement, overhaul, inspections, replacement, and checks of airframes, rotors, powerplants, and appliances, or standards by which such time limitations shall be determined;

(16) Procedures for refueling helicopters, elimination of fuel contamination, protection from fire including electrostatic protection, and the supervision and protection of passengers during refueling;

(17) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection personnel;

(18) Methods and procedures for maintaining the helicopter weight and center of gravity within approved limits;

(19) Pilot route and heliport qualification procedures;

(20) Accident notification procedures;

(21) Pertinent data on helicopter performance taken from approved flight manual for all helicopters utilized; and

(22) Other data or instructions related to safety.

(b) At least one complete master copy of the manual containing all parts thereof shall be retained at the appropriate operations base of the air carrier.

§ 46.52 *Distribution of manual.* (a) Copies of the entire manual, or appropriate portions thereof, together with revisions thereto shall be furnished to the following:

(1) Appropriate ground operations and maintenance personnel of the air carrier;

(2) Crew members; and

(3) Authorized representatives of the Administrator assigned to the air carrier to act as CAA Flight Operations and Airworthiness Inspectors.

(b) All copies of the manual shall be kept up to date.

HELICOPTER REQUIREMENTS

§ 46.60 *General.* Helicopters shall be identified, certificated, and equipped in accordance with the applicable airworthiness requirements of the regulations in this subchapter. No air carrier shall operate any helicopter in scheduled operation unless such helicopter meets the requirements of this part and is in an airworthy condition.

§ 46.63 *Proving tests.* (a) A type of helicopter not previously proved for use in scheduled operation shall have demonstrated its reliability in at least 100 hours of proving tests, in addition to the helicopter certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total at least 50 hours shall be flown over authorized routes and at least 10 hours shall be flown at night if night operations are authorized.

(b) A type of helicopter which has been previously proved in commercial service or extensive military service shall be tested for at least 50 hours, of which at least 25 hours shall be flown over authorized routes, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the helicopter:

(1) Is materially altered in design, or

(2) Is to be used by an air carrier who has not previously proved such a type.

(c) During proving tests only those persons required to make the tests and those designated by the Board or the Administrator shall be carried. Mail, express, and other cargo may be carried when approved by the Administrator.

HELICOPTER OPERATING LIMITATIONS

§ 46.70 *Operating limitations.* Helicopters shall be operated in accordance with such operating limitations as the Administrator may prescribe in the interest of safety, taking into account the performance of the helicopter, the areas traversed, heliports used, engine failure in flight, and temperature operating cor-

rection factors as outlined in the helicopter flight manual.

§ 46.71 *Operations of helicopters other than Transport Category A.* For operations with helicopters certificated under the provisions of Part 6 of this subchapter or the Transport Category B provisions of Part 7 of this subchapter, the air carrier shall show that adequate areas are available for a safe autorotative landing from any point along the route to be flown, and that such areas are readily identifiable in both day and night operations.

SPECIAL AIRWORTHINESS REQUIREMENTS

§ 46.110 *Fire prevention.* All helicopters used in passenger service for which application for certification was made prior to May 16, 1953, shall comply with the fire prevention provisions of Part 6 of this subchapter, effective May 16, 1953.

§ 46.153 *Carriage of cargo in passenger compartments.* When operating conditions require the carriage of cargo which cannot be loaded in approved cargo racks, bins, or compartments which are separate from passenger compartments, such cargo may be carried in a passenger compartment if the following requirements are complied with:

(a) It shall be packaged or covered in a manner to avoid possible injury to passengers.

(b) It shall be properly secured in the helicopter by means of safety belts or other tie-downs possessing sufficient strength to eliminate possibility of shifting under all normally anticipated flight and ground conditions.

(c) It shall not be carried directly above seated passengers.

(d) It shall not impose any loads on seats or on the floor structure which exceed the designated loads for those components.

(e) It shall not be placed in any position which restricts the access to or use of any required emergency or regular exit or the use of the aisle between the crew and the passenger compartments.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

§ 46.170 *Helicopter instruments and equipment for all operations.* (a) Instruments and equipment required by §§ 46.171 through 46.231 shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) The following instruments and equipment shall be in operable condition prior to take-off, except as provided in § 46.391 (b) for continuance of flight with equipment inoperative:

(1) Instruments and equipment required to comply with airworthiness requirements under which the helicopter is type certificated and as required by the provisions of § 46.110, and

(2) Instruments and equipment specified in §§ 46.171 through 46.178 for all operations, and the instruments and equipment specified in §§ 46.200 through 46.231 for the type of operation indicated, wherever these items are not al-

ready provided in accordance with subparagraph (1) of this paragraph.

§ 46.171 *Flight and navigational equipment for all operations.* The following flight and navigational instruments and equipment are required for all operations:

- (a) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing;
- (b) Sensitive altimeter;
- (c) Clock (sweep-second);
- (d) Free-air temperature indicator;
- (e) Magnetic compass.

§ 46.172 *Engine instruments and equipment for all operations.* The following engine instruments and equipment are required for all operations:

- (a) Tachometer for the main rotor, or for each main rotor the speed of which may vary appreciably with respect to another main rotor;
- (b) Tachometer for each engine (these tachometers may be combined in a single instrument with that required by paragraph (a) of this section, except that such an instrument shall indicate rotor rpm during autorotation);
- (c) Carburetor air temperature indicator for each engine;
- (d) Cylinder head temperature indicator for each air-cooled engine;
- (e) Fuel pressure indicator and warning light indicator for each engine;
- (f) Means for indicating fuel quantity in each fuel tank, and for helicopters with more than one independent fuel tank, a warning device to indicate when the fuel in any independent fuel tank becomes low;
- (g) Manifold pressure indicator for each engine;
- (h) Oil pressure indicator for each engine;
- (i) Oil pressure warning light for each engine;
- (j) Oil-in-temperature indicator for each engine;
- (k) Oil temperature indicator for each transmission;
- (l) Oil pressure indicator and warning light for each transmission using a separate oil pump;
- (m) Carburetor heating or de-icing equipment for each engine; and
- (n) If equipped with rotor brake, means shall be provided to indicate full or partial engagement.

§ 46.173 *Emergency equipment for all operations—(a) General.* The emergency equipment specified in paragraphs (b), (c), and (d) of this section is required for all operations. Such equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be so marked as to be readily identifiable.

(b) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type shall be provided for use in crew, passenger, and cargo compartments which are accessible in flight in accordance with the following requirements:

(1) The type and quantity of extinguishing agent shall be suitable for the type of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) On helicopters accommodating more than six passengers, at least one fire extinguisher shall be conveniently located in the passenger compartment.

(c) *First-aid equipment.* First-aid equipment suitable for treatment of injuries likely to occur in flight or in minor accidents shall be provided in a quantity appropriate to the number of passengers and crew accommodated in the helicopter.

(d) *Interior emergency exit markings.* All emergency exits, their means of access, and their means of opening shall be marked conspicuously. When operations carrying passengers are conducted at night an independent source or sources of light shall be installed to illuminate all emergency exit markings. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches by a person with normal eyesight.

§ 46.174 *Seats and safety belts for all occupants.* A seat and an individual safety belt shall be provided for each person. In the case of children between the ages of 2 and 12, one safety belt shall suffice for each two children in a single seat provided strength requirements of the seat and the safety belt are not exceeded.

§ 46.175 *Miscellaneous equipment for all operations.* All helicopters shall have installed the following equipment:

- (a) Windshield wiper or equivalent for each pilot station;
- (b) An alternate source of energy capable of carrying the necessary load for all instruments required by § 42.200 of this subchapter which require a power source; and
- (c) Means for indicating the adequacy of the power being supplied to required flight instruments.

§ 46.176 *Cockpit check procedure.* The air carrier shall provide for each type of helicopter a cockpit check procedure. This procedure shall include all items necessary for flight crew members to check for safety prior to starting engine(s), prior to taking off, prior to landing, and in engine emergencies. It shall be so designed as to obviate the necessity for a flight crew member to rely upon his memory for items to be checked and shall be readily usable in the cockpit of each helicopter.

§ 46.177 *Passenger information for all operations.* All helicopters with separate passenger and crew compartments shall be equipped with signs visible to passengers and cabin attendants to notify such persons when smoking is pro-

hibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew. The "No smoking" sign will be left on unless a cabin attendant is carried on flight in passenger compartment. In single-engine helicopters, seat belts must be fastened at all times in flight.

§ 46.178 *Exterior exit and evacuation markings for passenger operations.* Exterior surfaces of the helicopter shall be marked to identify clearly all required emergency exits. When such exits are operable from the outside, markings shall consist of or include information indicating the method of opening.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 46.200 *Instruments and equipment for operations at night.* Each helicopter operated at night shall be equipped with the following instruments and equipment in addition to those required by §§ 46.171 through 46.178:

- (a) Position lights;
- (b) Two landing lights at least one of which is controllable to illuminate the area forward of and below the helicopter;
- (c) Instrument lights providing sufficient illumination to make all instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the flight crew members' eyes and that no objectionable reflections are visible to them. A means of controlling the intensity of illumination shall be provided unless it is shown that nondimming instrument lights are satisfactory;
- (d) One anti-collision light;
- (e) Generator of adequate capacity;
- (f) Gyroscopic bank and pitch indicator (artificial horizon);
- (g) Gyroscopic direction indicator (directional gyro);
- (h) Gyroscopic rate-of-turn indicator with bank indicator; and
- (i) A vertical speed indicator (rate-of-climb indicator).

§ 46.206 *Equipment for single-engine overwater operations.* The following equipment shall be required for all operations conducted beyond autorotative gliding distance from the nearest shoreline:

- (a) Helicopter flotation devices, and life preserver or other adequate individual flotation device for each occupant of the helicopter; and
- (b) Such other equipment as the Administrator finds necessary in the interest of safety for the particular operation.

RADIO EQUIPMENT

§ 46.230 *Radio Equipment.* Each helicopter used in scheduled air transportation shall be equipped with radio equipment specified for the type of operation in which it is engaged. All such equipment shall be of an approved type.

§ 46.231 *Radio equipment for operations over routes navigated by pilotage.* For operations conducted over routes on which navigation can be accomplished by pilotage, each helicopter shall be equipped with such radio equipment as

is necessary under normal operating conditions to fulfill the following functions:

(a) Communicate with at least one appropriate ground station (as specified in § 46.34) in the vicinity and other helicopters operated by the air carrier;

(b) Communicate with airport traffic control towers from any point in the control zone within which flights are intended; and

(c) Receive meteorological information at the minimum en route altitude specified in the operations specifications of the air carrier. Either of the means required for compliance with paragraphs (a) and (b) of this section may be used to comply with this paragraph.

MAINTENANCE AND INSPECTION REQUIREMENTS

§ 46.240 *Responsibility for maintenance.* Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its helicopters and required equipment.

§ 46.241 *Maintenance and inspection requirements.* (a) The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish an adequate inspection organization responsible for determining that workmanship, methods employed, and material used are in conformity with the requirements of the regulations of this subchapter, with accepted standards and good practices, and that any airframe, rotor, powerplant, or appliance released for flight is airworthy.

(b) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair of any airframe, rotor, powerplant, or appliance shall hold an appropriate license or airman certificate.

§ 46.242 *Maintenance and inspection training program.* The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish and maintain a training program to insure that all maintenance and inspection personnel charged with determining the adequacy of work performed are fully informed with respect to all procedures and techniques and with new equipment introduced into service, and are competent to perform their duties.

§ 46.243 *Maintenance and inspection personnel duty time limitations.* All maintenance and inspection personnel shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days or equivalent thereof within any one month.

AIRMAN AND CREW MEMBER REQUIREMENTS

§ 46.260 *Utilization of airman.* No air carrier shall utilize an individual as an airman unless he holds a valid appropriate airman certificate issued by the Administrator and is otherwise qual-

ified for the particular operation in which he is to be utilized.

§ 46.261 *Composition of flight crew.*

(a) No air carrier shall operate a helicopter with less than the minimum flight crew specified in the airworthiness certificate for the type of helicopter and required in this part for the type of operation.

(b) Where the air carrier is authorized to operate under instrument conditions or operates helicopters of more than 12,500 pounds maximum certificated weight, the minimum pilot crew shall be 2 pilots.

§ 46.265 *Flight attendant.* At least one flight attendant shall be provided by the air carrier on all flights carrying passengers in helicopters of 20-passenger capacity or more.

TRAINING PROGRAM

§ 46.280 *Training requirements.* (a) Each air carrier shall establish a training program sufficient to insure that each crew member used by the air carrier is adequately trained to perform the duties to which he is to be assigned. The initial training phases shall be satisfactorily completed prior to serving in scheduled operations.

(b) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors. There also shall be provided a sufficient number of check airmen to conduct the flight checks required by this part. Such check airmen shall hold the same airman certificates and ratings as are required for the airman being checked.

(c) The training program for each flight crew member shall consist of appropriate ground and flight training including proper flight crew coordination. Procedures for each flight crew function shall be standardized to the extent that each flight crew member will know the functions for which he is responsible and the relation of those functions to those of other flight crew members. The initial program shall include at least the appropriate requirements specified in §§ 46.281 through 46.286.

(d) The crew member emergency procedures training program shall include at least the requirements specified in § 46.286.

(e) The appropriate instructor, supervisor, or check airman responsible for the particular training or flight check shall certify to the proficiency of each crew member and person employed in operational control upon completion of his training, and such certification shall become a part of the individual's record.

§ 46.281 *Initial pilot ground training.* Ground training for all pilots shall include instruction in at least the following:

(a) The appropriate provisions of the air carrier operations specifications and appropriate provisions of the regulations of this subchapter with particular emphasis on the operation and flight release rules and helicopter operating limitations;

(b) Operational control procedures and appropriate contents of the manuals;

(c) The duties and responsibilities of crew members;

(d) The type of helicopter to be flown, including a study of the helicopter, powerplants, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Helicopter Flight Manual;

(e) The principles and methods of determining weight and balance limitations for take-off and landing;

(f) Navigation and use of appropriate aids to navigation;

(g) Airport, heliport, and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation;

(h) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems; and

(i) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, and other potentially hazardous meteorological conditions.

§ 46.282 *Initial pilot flight training.* Flight training for each pilot shall include at least take-offs and landings and normal and emergency flight maneuvers including approaches and landings with simulated one engine inoperative in each type of helicopter to be flown by him in scheduled operations. When night operations are authorized, such training shall include night take-offs and landings.

§ 46.286 *Initial crew member emergency training.* The training in emergency procedures shall be designed to give each crew member appropriate individual instruction in all emergency procedures. Such training shall include at least the procedures to be followed in the event of the failure of an engine or other helicopter component or system, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and maximum and minimum engine and rotor rpm.

§ 46.288 *Training program; operations personnel.* The air carrier shall establish and maintain a training program sufficient to insure that operations personnel who perform duties involving operational control are adequately trained to perform such duties. The air carrier shall not assign an individual to perform duties involving operational control until he has satisfactorily passed an examination concerning such duties and responsibilities.

§ 46.289 *Recurrent training.* (a) Each air carrier shall provide such training as is necessary to insure the continued competence of each crew member and personnel engaged in operational control and to insure that each possesses adequate knowledge of and familiarity with all new equipment and procedures to be used by him.

(b) Each air carrier shall, at intervals established as part of the training program, but not to exceed 12 months, check the competence of each crew member

and personnel engaged in operational control with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Where the check of the pilot in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with § 46.302.

(c) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency demonstrated, and such certification shall become a part of the individual's record. In the case of pilots other than pilots in command, a pilot in command may make such certification.

FLIGHT CREW MEMBER QUALIFICATIONS

§ 46.300 Qualification requirements.

(a) No air carrier shall utilize any flight crew member, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of § 46.280 or § 46.289, and §§ 46.301 through 46.304. All pilots serving as pilots in command shall hold valid air-line transport pilot certificates with appropriate helicopter ratings. All other pilots shall hold at least commercial pilot certificates with helicopter ratings.

(b) Check airmen shall certify as to the proficiency of the pilot in command being examined, as required by §§ 46.302 and 46.303, and such certification shall become part of the airman's records.

§ 46.301 Pilot recent experience. No air carrier shall schedule a pilot to serve as such in scheduled air transportation unless within the preceding 30 days he has made at least 3 take-offs and 3 landings in the helicopter of the particular type on which he is to serve, 2 landings of which shall have been made from approaches with simulated one engine inoperative; and, if he is scheduled to serve in such transportation at night, at least one of these landings shall have been made at night.

§ 46.302 Pilot checks—(a) Line check. Prior to serving as pilot in command, and at least once each 12 months thereafter, a pilot shall satisfactorily pass a line check in one of the types of helicopters normally to be flown by him. This check shall be given by a check pilot who is qualified for the route. It shall consist of at least a scheduled flight between terminals over a route to which the pilot is normally assigned during which the check pilot shall determine whether the individual being checked satisfactorily exercises the duties and responsibilities of a pilot in command.

(b) Proficiency check. (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate helicopters to be flown by him. Thereafter, at least twice each 12 months at intervals of not less than 4 months, nor more than 8 months, a similar pilot proficiency check shall be given each such pilot. Where such pilots serve in more than one helicopter type, the pilot proficiency check shall be given alternately in helicopters of each type flown by him.

(2) The pilot proficiency check shall include at least the following:

(i) Maneuvers consisting of approaches and landings with simulated one engine inoperative, normal take-offs and landings, crosswind landings, climbs and climbing turns, steep turns, maneuvering at minimum speed, rapid descent and quick stops, and a review of the emergency procedures specified in § 46.286.

(ii) An oral equipment examination covering the subjects specified in § 46.281 (d). Such examination may be accomplished in the air carrier's ground school or during a proficiency or line check.

§ 46.303 Pilot route and heliport qualification requirements. (a) An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve in accordance with paragraphs (b), (c), and (d) of this section and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to each route to be flown:

- (1) Weather characteristics,
- (2) Navigational facilities,
- (3) Communication procedures,
- (4) Type of en route terrain and obstruction hazards,
- (5) Minimum safe flight levels,
- (6) Position reporting points,
- (7) Holding procedures,
- (8) Pertinent traffic control procedures, and

(9) Congested areas, obstructions, physical layout, and all approach procedures for each regular, provisional, and refueling heliport approved for the route.

(c) Within the preceding 90 days each such pilot shall have made an entry as a member of the flight crew at each heliport into which he is scheduled to fly. Such entry shall include a landing and take-off under day HVR to permit the qualifying pilot to observe the heliport and surrounding terrain, including any obstructions to landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and shall be accompanied by a pilot who is qualified at the heliport.

(d) Each such pilot to be qualified for night operations in the carriage of passengers shall have been qualified in accordance with paragraphs (b) and (c) of this section, and in addition shall have made one trip over the route at night accompanied by a pilot who is qualified over the route for such operations.

§ 46.304 Maintenance and re-establishment of pilot route and heliport qualifications for particular trips. (a) To maintain pilot route and heliport qualifications for day operations, each pilot being utilized as pilot in command, within the preceding 3-month period, shall have made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly.

(b) To maintain pilot route and heliport qualifications for night operations, each pilot being utilized as pilot in command, within the preceding 30 days shall

have made at least one trip during the hours of daylight as pilot or other member of the flight crew between terminals into which he is scheduled to fly.

(c) In order to re-establish pilot route and heliport qualifications after absence from a route or a heliport thereon for a period in excess of 3 months, a pilot shall comply with the provisions of § 46.303.

FLIGHT TIME LIMITATIONS

§ 46.320 Flight time limitations. (a) An air carrier shall not schedule any flight crew member for duty aloft in scheduled air transportation or in other commercial flying if his total flight time in all commercial flying will exceed the following flight time limitations:

- (1) 1,000 hours in any year,
- (2) 100 hours in any month,
- (3) 30 hours in any 7 consecutive days.

(b) An air carrier shall not schedule any flight crew member for duty aloft for more than 8 hours during any 24 consecutive hours unless he is given an intervening rest period at or before the termination of 8 scheduled hours of duty aloft. Such rest period shall equal twice the number of hours of duty aloft since the last preceding rest period, and in no case shall the rest period be less than 8 hours.

(c) When a flight crew member has been on duty aloft in excess of 8 hours in any 24 consecutive hours he shall, upon completion of his assigned flight or series of flights, be given at least 16 hours for rest before being assigned any further duty with the air carrier.

(d) Each flight crew member engaged in scheduled air transportation shall be relieved from all duty with the air carrier for at least 24 consecutive hours during any 7 consecutive days.

(e) No flight crew member shall be assigned any duty with an air carrier during any rest period prescribed by this part.

(f) A flight crew member shall not be considered to be scheduled for duty in excess of prescribed limitations, if the flights to which he is assigned are scheduled and normally terminate within such limitations, but due to exigencies beyond the air carrier's control, such as adverse weather conditions, are not at the time of departure expected to reach their destination within the scheduled time.

FLIGHT OPERATIONS

§ 46.351 Operational control. The air carrier shall be responsible for operational control.

(a) Responsibility of the air carrier. The air carrier shall be responsible for:

(1) The exercise of authority as necessary over the initiation, continuation, and diversion or termination of a flight; and

(2) Monitoring the progress of each flight and providing the pilot with all information necessary for the safety of the flight.

(b) Responsibility of the pilot in command. The pilot in command shall be responsible for the preflight planning and the operation of the flight in compliance with the applicable regulations of this subchapter and operations speci-

fications. During flight he shall be in command of the helicopter and crew and shall be responsible for the safety of the passengers, crew members, cargo, and helicopter.

§ 46.352 *Operations notices.* Each air carrier shall notify the appropriate operations personnel promptly of all changes in equipment and operating procedures, including known changes in the use of navigational aids, heliports, air traffic control procedures and regulations, local airport traffic control rules, and of all known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

§ 46.353 *Operations schedules.* In establishing flight operations schedules, each air carrier shall allow sufficient time for the proper servicing of helicopters with fuel and oil at intermediate stops, and it shall consider the prevailing winds along the particular route and the cruising speed of the type of helicopter to be flown which shall not exceed the specified cruising output of the helicopter engines.

§ 46.354 *Flight crew members at controls.* All required flight crew members shall remain at their respective stations when the helicopter is taking off or landing, and while en route except when the absence of one such flight crew member is necessary in connection with his regular duties. All flight crew members shall keep their seat belts fastened when at their respective stations.

§ 46.355 *Manipulation of controls.* No person other than a qualified pilot of the air carrier shall manipulate the flight controls during flight, except that any one of the following persons may, with the permission of the pilot in command, manipulate such controls:

(a) Authorized pilot safety representatives of the Administrator or the Board who are qualified on the helicopter and are engaged in checking flight operations, or

(b) Pilot personnel of another air carrier properly qualified on the helicopter and authorized by the operating carrier.

§ 46.356 *Admission to flight deck.* No persons, other than crew members, shall be admitted to the flight deck of a helicopter except those authorized in paragraphs (a) and (b) of this section. For the purposes of this section, the Administrator shall determine what constitutes the flight deck.

(a) CAA Flight Operations and Airworthiness Inspectors and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may be admitted to the flight deck when authorized by the pilot in command:

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck

is necessary or advantageous to the conduct of safe air carrier operations, or

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

(2) Any other person specifically authorized by the air carrier management and the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) CAA Flight Operations and Airworthiness Inspectors or other authorized representatives of the Civil Aeronautics Administration or the Civil Aeronautics Board engaged in checking flight operations;

(2) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures;

(3) Certificated airmen of the air carrier whose duties with the carrier require an airman certificate;

(4) Certificated airmen of another air carrier whose duties with such carrier require an airman certificate and who have been authorized by the air carrier concerned to make specific trips over the route;

(5) Employees of the air carrier, whose functions are directly related to the conduct or planning of flight operations or the in-flight monitoring of helicopter equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and when specifically authorized in writing by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority; and

(6) Technical representatives of the manufacturer of the helicopter or its components whose functions are directly related to the in-flight monitoring of helicopter equipment or operating procedures, but only when their presence in the cockpit is required in the furtherance of such functions and only when specifically authorized in writing by the Administrator and by a responsible supervisor in the operations department of the air carrier, who is listed in the Operations Manual as having such authority.

§ 46.357 *Use of cockpit check procedure.* The cockpit check procedure shall be used by the flight crew for each procedure as set forth in § 46.176.

§ 46.358 *Personal flying equipment.* The pilot in command shall insure that the following equipment is aboard the helicopter for each flight:

(a) Appropriate aeronautical charts containing adequate navigational information, and

(b) A flashlight in good working order in the possession of each crew member during night operations.

§ 46.359 *Restriction or suspension of operation.* When conditions exist which constitute a hazard to the conduct of safe air carrier operations, including heliport conditions, the air carrier shall restrict or suspend operations until such hazardous conditions are corrected.

§ 46.360 *Emergency decisions; pilot in command.* (a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instances the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and the regulations of this subchapter.

(b) When emergency authority is exercised by the pilot in command, the air carrier shall be kept fully informed regarding the progress of the flight, and within 10 days after the completion of the particular flight a written report of any deviation shall be submitted by the individual declaring the emergency to the Administrator through the air carrier's operations manager.

(c) No pilot in command shall deviate from an authorized route, except when operating in accordance with traffic control instructions issued by a control tower or control center or when circumstances render such deviation necessary in the interest of safety. In the latter case any deviation of more than 10 miles from the authorized route shall be explained by the pilot in a written report to the Administrator within 10 days of such deviation.

§ 46.361 *Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.* When any meteorological condition or irregularity of ground or navigational facilities is encountered in flight, the knowledge of which the pilot in command considers essential to the safety of other flights, he shall notify an appropriate ground radio station as soon as practicable. Such information shall thereupon be relayed by that station to the appropriate governmental agency.

§ 46.362 *Reporting mechanical irregularities.* The pilot in command shall enter or cause to be entered in the maintenance log of the helicopter all mechanical irregularities encountered during flight. He shall, prior to each flight, inspect the log to ascertain the status of any irregularities entered in the log at the end of the last preceding flight.

§ 46.364 *Weather minimums.* No flight shall be initiated, continued en route, or landed at destination unless it is conducted in accordance with the weather requirements prescribed in the operations specifications.

FLIGHT RELEASE RULES

§ 46.381 *Flight release.* No flight shall be initiated without the pilot in command executing a flight release form setting forth the conditions under which the flight will be conducted and certifying that the flight will be conducted in accordance with the regulations in this subchapter and the air carrier's opera-

tions specifications. When such flights originate at locations other than the normal operating base, such flight release forms may be executed orally to the operation control center, in which case such shall be made a matter of record. Flights which have remained at an intermediate heliport in excess of one hour shall require a new flight release.

§ 46.382 Familiarity with weather conditions. No pilot in command shall execute a flight release unless he is thoroughly familiar with existing and anticipated weather conditions along the route to be flown.

§ 46.383 Facilities and services. The operational control center shall furnish to the pilot in command all available current reports or information pertaining to irregularities of navigational facilities and heliport conditions which may affect the safety of the flight. It shall also furnish the pilot, while en route, any additional available information concerning meteorological conditions and irregularities of facilities and services which may affect the safety of the flight.

§ 46.384 Helicopter equipment required for flight release. All helicopters released shall be airworthy and shall be equipped in accordance with the provisions of § 46.170.

§ 46.385 Communications facilities required for flight release. No helicopter shall be released for flight over any route or route segment unless the communications facilities required by § 46.34 are in satisfactory operating condition.

§ 46.386 Flight release under HVR. Helicopters shall be released for operation under HVR only if the appropriate weather reports and forecasts, or a combination thereof, indicate that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under HVR until the flight arrives at the heliport or heliports of intended landing specified in the flight release.

§ 46.387 HIR operations. When an air carrier makes application for authorization to conduct instrument operations, and the Administrator, upon investigation, finds that the helicopter is properly certificated for instrument flight and its pilots are capable of instrument flight in helicopters, he may authorize such instrument operation. When such authorization is granted, complete operations procedures for such authorization shall be specified in the air carrier operations specifications.

§ 46.388 Visual ground reference requirements. Except when authorized under § 46.387, no helicopter shall be operated unless meteorological conditions permit sufficient visual ground reference to allow proper control of the helicopter. At night, ample ground reference lights shall be available for that purpose.

§ 46.391 Continuance of flight; flight hazards. (a) No helicopter shall be continued in flight toward any heliport to which it has been released when, in the opinion of the pilot in command or

the air carrier, the flight cannot be completed with safety, unless in the opinion of the pilot in command there is no safer procedure. In the latter event, continuance shall constitute an emergency situation as set forth in § 46.360.

(b) If any item of equipment required pursuant to the regulations of this subchapter for the particular operation being conducted becomes unserviceable en route, the pilot in command shall comply with the procedures specified in the manual for such occurrence: *Provided*, That the Administrator may authorize the incorporation in the air carrier manual of procedures for the continued operation of a helicopter beyond a scheduled terminal where he finds that, in the particular circumstances of the case, literal compliance with this requirement is not necessary in the interest of safety.

§ 46.392 Operation in icing conditions. (a) A helicopter shall not be released, or en route operations continued, or landing made when, in the opinion of the pilot in command or the air carrier, icing conditions are expected or encountered which might adversely affect the safety of the flight.

(b) No helicopter shall take off or continue en route operations when frost, snow, or ice is adhering to the rotors, control surfaces, or other movable parts of the helicopter.

§ 46.393 Release and continuance of flight. (a) A helicopter specified as the intended destination may be changed en route to another regular, provisional, or refueling heliport, providing the original flight release is amended.

(b) When the flight release is amended while the helicopter is en route, such amendment shall be made a matter of record.

§ 46.396 Fuel supply for HVR operations. No helicopter shall be released for flight unless it carries sufficient fuel:

(a) To fly to the heliport to which released, and thereafter;

(b) To fly for a period of at least 20 minutes at normal cruising consumption.

§ 46.397 Factors involved in computing fuel required. In computing the fuel required, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, and any other conditions which might delay the landing of the helicopter. Required fuel shall be additional to unusable fuel.

§ 46.405 Take-off and landing weather minimums; HVR. Irrespective of any clearance which may be obtained from air traffic control, no helicopter shall take off or land when the reported ceiling or ground visibility is less than that specified in the air carrier's operations specifications.

§ 46.408 Minimum flight altitudes. Minimum flight altitudes shall be prescribed by the Administrator in the interest of safety for any route or portion thereof. In establishing such minimum altitudes the Administrator shall consider the character of the terrain to be traversed, the type of helicopter involved, the availability of suitable emergency autorotative landing areas, the quality and quantity of meteorological service,

the navigational facilities available, and other flight conditions as may be pertinent.

§ 46.412 Preparation of load manifest. The air carrier shall be responsible for the preparation and accuracy of a load manifest form prior to each take-off. This form shall be prepared by personnel of the air carrier charged with the duty of supervising the loading of helicopters and the preparation of load manifest forms or by other qualified persons authorized by the air carrier.

REQUIRED RECORDS AND REPORTS

§ 46.500 Records. Each scheduled air carrier shall maintain records and submit reports in accordance with the requirements of §§ 46.501 through 46.511. All records shall be retained for the period specified in Part 249 of Subchapter B of this chapter (Economic Regulations), unless otherwise specified in §§ 46.501 through 46.511.

§ 46.501 Crew member records. Each air carrier shall maintain current records of every crew member. These records shall contain such information concerning the qualifications of each such crew member as is necessary to show compliance with the appropriate requirements of the regulations of this subchapter, e. g., proficiency and route checks, helicopter qualifications, training, physical examinations, and flight time records. The disposition of any flight crew member released from the employ of the air carrier, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least three months.

§ 46.503 Flight release form. (a) The flight release may be in any form but shall contain at least the following information with respect to each flight:

- (1) Identification number of the helicopter to be used, and the trip number.
- (2) Heliport of departure, intermediate stops, destination, and routes to be followed;
- (3) Minimum fuel supply;
- (4) Type of operation, e. g., HVR, day, night; and
- (5) Date and time of release.

(b) The flight release may be executed orally when the pilot is at a station removed from the operational control center, in which case the release shall be recorded.

§ 46.504 Load manifest. (a) The load manifest shall contain at least the following information with respect to the loading of a helicopter at the time of take-off:

- (1) The weight of:
 - (i) Helicopter,
 - (ii) Fuel and oil,
 - (iii) Cargo, including mail and baggage, and
 - (iv) Passengers;
- (2) The maximum allowable weight applicable for the particular flight;
- (3) The total weight computed in accordance with approved procedures; and
- (4) Evidence that the helicopter is loaded in accordance with an approved schedule which insures that the center of gravity is within approved limits.

(b) The load manifest shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the helicopter and the preparation of load manifest forms, or by other qualified personnel authorized by the air carrier.

(c) Time and date of preparation, registration number of helicopter, and trip number.

§ 46.505 *Disposition of load manifest and flight release.* Copies of the completed load manifest, or information therefrom except with respect to cargo and passenger distribution, and the flight release shall be in the possession of the pilot in command and shall be carried in the helicopter to its destination. Copies also shall be kept for at least 60 days.

§ 46.506 *Maintenance records.* (a) Each air carrier shall keep at its principal maintenance base current records of the total time in service, the time since last overhaul, and the time since last inspection of all major components of the airframe, powerplants, rotors, and, where practicable, appliances.

(b) Records of total time in service may be discontinued when it has been shown that the service life of a component part is safely controlled by other means, such as inspection, overhaul, or parts retirement procedures. The Administrator may require the keeping of total time records for specific parts when it is found that other procedures will not safely limit the service life of such parts.

(c) A helicopter component, powerplant, rotor, or appliance for which complete records are not available may be placed in service: *Provided, That:*

(1) It is of a type for which total time-in-service records are not required under the provisions of paragraph (b) of this section;

(2) Parts which are limited by the Administrator or manufacturer to a specific service time are retired and replaced by new parts; and

(3) It has been properly overhauled or rebuilt, and a record of such overhaul or rebuilding is included in the maintenance records.

§ 46.507 *Maintenance log.* A legible record shall be made in the helicopter's maintenance log of the action taken in each case of reported or observed failures or malfunctions of airframes, powerplants, rotors, and appliances critical to the safety of the flight. The air carrier shall establish an approved procedure for retaining an adequate number of such records in the helicopter in a place readily accessible to the flight crew and shall incorporate such procedure in the air carrier manual. The maintenance log shall contain information from which the flight crew may readily determine the time since last overhaul of the airframe, and engine(s).

§ 46.508 *Daily mechanical reports.* (a) Whenever a failure, malfunctioning, or other defect is detected in flight or on the ground in a helicopter or helicopter component which may reasonably be expected by the air carrier to cause a seri-

ous hazard in the operation of any helicopter, a report shall be made of such failure, malfunctioning, or other defect to the Administrator. This report shall cover a 24-hour period beginning and ending at midnight, shall be submitted by 12 o'clock midnight of the following working day, or sooner if the seriousness of the malfunction or difficulty so warrants, and shall include as much of the following information as is available on the first daily report following such incidents:

(1) Type and CAA identification number of the helicopter, name of air carrier, and date;

(2) Emergency procedure effected: unscheduled landing, etc.;

(3) Nature of condition: fire, structural failure, etc.;

(4) Identification of part and system involved, including the type designation of the major component;

(5) Apparent cause of trouble: wear, cracks, design deficiency, personnel error, etc.;

(6) Disposition: repaired, replaced, helicopter grounded, etc.; and

(7) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, corrective action, etc.

(b) These reports shall not be withheld pending accumulation of all of the information specified in paragraph (a) of this section. When additional information is obtained relative to the incident, it shall be expeditiously submitted as a supplement to the original report, reference being made to the date and place of submission of the first report.

§ 46.509 *Mechanical interruption summary report.* Each air carrier shall submit regularly and promptly to the Administrator a summary report containing information on the following occurrences:

(a) All interruptions to a scheduled flight, unscheduled changes of helicopters en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the helicopter type in which the engine was installed.

§ 46.510 *Alteration and repair reports.* Reports of major alterations or repairs of airframes, powerplants, rotors, and appliances shall be made available to the Administrator promptly upon completion of such alterations or repairs.

§ 46.511 *Maintenance release.* When a helicopter is released by the maintenance organization to flight operations, a maintenance release or appropriate entry in the maintenance log certifying that the helicopter is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization prior to release of such helicopter. If a maintenance release form is prepared, a copy shall be given to the pilot in command. An appropri-

ate record shall be kept for at least 60 days.

By the Civil Aeronautics Board,

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-2556; Filed, Apr. 7, 1958; 8:49 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 407—PROCEDURE FOR USE OF DOMESTIC NON-FEDERAL NAVIGATION FACILITIES FOR CAA APPROVED OPERATIONS

SUBPART B—NONDIRECTIONAL RADIO BEACON FACILITIES

A new Subpart B is added as follows:

Subpart B—Nondirectional Radio Beacon Facilities

Sec.

407.10 Introduction.

407.11 Policy.

407.12 Implementation requirements.

407.13 Source of publications.

407.14 Performance requirements; Appendix 1.

407.15 Installation requirements; Appendix 2.

407.16 Maintenance and operation requirements; Appendix 3.

407.17 Reports required by Civil Aeronautics Administration; Appendix 4.

AUTHORITY: §§ 407.10 to 407.17 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 301, 302, 601, 52 Stat. 985, as amended, 1007, as amended; 49 U. S. C. 451, 452, 551.

SUBPART B—NONDIRECTIONAL RADIO BEACON FACILITIES

§ 407.10 *Introduction.* The policy and the minimum general requirements of the Civil Aeronautics Administration for the operation of non-federal non-directional radio beacon facilities which are to be involved in the approval of instrument flight rules and air traffic control procedures related to such facilities are prescribed in Technical Standard Order N-28 adopted by the Administrator on April 15, 1958. Technical Standard Order N-28, which is set forth in this part, is mandatory upon all employees of the Civil Aeronautics Administration in their discussions, advice, or recommendations to the public, or in their approval of the public use of this type facility in any CAA-approved air operation or procedure. A nondirectional radio beacon ("H" facilities domestically—NDB facilities internationally) radiates a continuous carrier of approximately equal intensity at all azimuths. This carrier is modulated at 1020 cycles per second for the purpose of station identification. Personnel of the Regional Air Navigation Facilities Division are responsible for the application of this Technical Standard Order on the part of CAA. Deviations from the Implementation Requirements prescribed herein will be permitted only upon approval of the Director, Office of Air Navigation Facilities, Civil Aeronautics Administration, Washington 25, D. C.

§ 407.11 Policy. (a) When the Civil Aeronautics Administration is requested by the owner of a non-federal "H" facility to approve an IFR procedure for public use based on that facility, the CAA will require as a condition to such approval that the following minimum requirements be met:

(1) The performance of the facility as determined by air and ground inspections shall be in accordance with § 407.14 (Appendix 1).

(2) The installation of the equipment shall meet the requirements of § 407.15 (Appendix 2).

(3) The owner shall operate and maintain the facility in accordance with § 407.16 (Appendix 3).

(4) The owner shall furnish CAA periodic reports relative to the performance of the facility as described in § 407.17 (Appendix 4) and shall permit the CAA to inspect the facility and its operation at such times as the CAA deems necessary.

(5) The owner shall give assurance that he will not withdraw the facility from service except with the concurrence of CAA.

(b) The owner will bear all costs incident upon his meeting the requirements set forth in paragraph (a) of this section and those for flight and ground inspections which the CAA may be initially required to make prior to commissioning and periodically thereafter to satisfy itself that these requirements are met.

(c) If the requirements in paragraphs (a) and (b) of this section are met, the CAA will commission the facility as a prerequisite to its approval for use in an IFR procedure. The CAA will not implicitly or explicitly assume any responsibility for the facility by virtue of such approval. The CAA will withdraw its authorization to use the facility at any time it considers that the requirements set forth herein are not being met or will decommission the facility when the frequency channel is required for higher priority common system service.

§ 407.12 Implementation requirements. (a) Action under TSO N-28 will be initiated when the CAA has received from the owner a request for an IFR procedure based on his facility and he has submitted:

(1) A description of the facility, together with evidence that the equipment is capable of meeting the minimum performance requirements contained in § 407.14 (Appendix 1) and is installed in accordance with § 407.15 (Appendix 2).

(2) A proposed procedure for operating the facility.

(3) A proposed maintenance arrangement and manual of maintenance operation to meet the requirements of § 407.16 (Appendix 3).

(4) A statement of intent to meet the requirements of the Policy.

(b) The CAA will then perform whatever initial air and ground inspections are necessary to satisfy itself from a technical, operational and maintenance viewpoint that the facility and equipment are capable of meeting the requirements.

(c) The proposed operating procedure and maintenance arrangement and manual will be evaluated.

(d) The owner will be advised of the results of the inspections and evaluations and of any facility, maintenance manual or organizational changes that will be required. The owner will correct deficiencies and operate the facility for an in-service test evaluation so that the CAA may satisfy itself that the facility will meet the requirements for commissioning and use in an approved procedure. The approval of the facility is not to be taken as automatic approval of any specific procedure.

§ 407.13 Source of publications. Copies of this Technical Standard Order and related publications may be obtained from the Regional Offices of the Civil Aeronautics Administration, located in Jamaica, New York; Fort Worth, Texas; Kansas City, Missouri; Los Angeles, California; Anchorage, Alaska; and Honolulu, Territory of Hawaii.

§ 407.14 Performance requirements; Appendix 1. (a) The "H" facility shall radiate a continuous wave carrier and shall be identified by on-off keying of an amplitude modulating tone of 1020 cycles per second plus or minus 50 cycles per second. The depth of modulation shall be between the limits of 40 and 95 percent. A two or three letter identification shall be transmitted at a rate approximately seven words per minute preferably eight to ten times per minute, unless voice modulation is also used, but in any event at intervals not to exceed 30 seconds. The identification may be suppressed while voice transmissions are being made.

(b) The performance of the "H" facility shall be in accordance with recognized and accepted good electronic engineering performance practices for the desired service.

(c) Ground inspection will consist of an examination of the design features of the equipment and its installation in order to determine that conditions may not arise which would permit unsafe operation due to component failure or deterioration. These will be judged against recognized and accepted good engineering practices.

(d) Flight tests to determine the adequacy of the facility to meet operational requirements will be conducted in accordance with the U. S. Standard Flight Inspection Manual, particularly section 207, initially by the Civil Aeronautics Administration and thereafter by arrangements, satisfactory to the Civil Aeronautics Administration, which will be made by the owner.

§ 407.15 Installation requirements; Appendix 2. (a) The facility shall be installed according to accepted good engineering practices, applicable electric and safety codes, and FCC license requirements. There shall be a reliable source of suitable primary power.

(b) Dual transmitting equipment may be required in the support of some IFR procedures.

(c) Non-federal H facilities desired for use as an instrument approach aid

for an airport must have or be supplemented with, dependent on specific circumstances, certain ground-air and landline communications services as follows:

(1) At facilities located outside of and not immediately adjacent to air traffic control areas, ground-air communications from the airport served by the facility must be available. Voice on the aid controlled from the airport will be an accepted means.

(2) At facilities located within or immediately adjacent to air traffic control areas, ground-air communications from the airport served by the facility, as outlined in subparagraph (1) of this paragraph, must be available and in addition, reliable communications (landline telephone minimum) from the airport to the nearest CAA air traffic control or communication facility must be provided.

(3) Provisions of subparagraphs (1) and (2) of this paragraph, are not mandatory at airports where an adjacent CAA facility is capable of communicating with aircraft on the ground at the airport and during the entire proposed instrument approach procedure.

(4) At low traffic density airports, located within or immediately adjacent to air traffic control areas, and where extensive delays are not a factor, the communications requirements of subparagraphs (1) and (2) of this paragraph may be reduced to reliable communications (landline telephone minimum) from the airport to the nearest CAA air traffic control or communication facility, providing an adjacent CAA facility is capable of communicating with aircraft during the proposed instrument approach procedure, at least down to the minimum en route altitude of the controlled area.

§ 407.16 Maintenance and operation requirements; Appendix 3. (a) The owner shall arrange for or provide for adequate maintenance of the facility at the performance level existent at the time of commissioning. As a minimum, the maintenance personnel shall meet FCC licensing requirements.

(b) The owner shall prepare an operating and maintenance manual outlining mandatory procedures for operation, preventive maintenance, and emergency maintenance. This manual must be approved by the CAA and must include instructions covering the following points:

(1) Physical security of the facility and procedure for participation in CONELRAD air defense plan.

(2) Maintenance and operation of equipment by authorized personnel only.

(3) FCC license requirements for operating and maintenance personnel.

(4) Posting of licenses and signs.

(5) Relationship between the facility and CAA air traffic control facilities. Boundaries of controlled airspace over or near the facility must be described. If applicable, instructions for relaying air traffic control instructions and information must be included. If the H facility is located outside of controlled airspace, instructions for the operation of

an air traffic advisory service must be included.

(6) Instructions pertaining to Air/Ground communications, if such service is provided. Appropriate sections of CAA manuals of operation may be incorporated by reference, or necessary instructions written directly in the manual.

(7) Notification of CAA regarding suspension of service.

(8) Detailed arrangements made for maintenance flight inspection and servicing with the frequency of such servicing, i. e., weekly, monthly, annually, etc.

(9) Keeping of station logs and other technical records and submission of reports per § 407.17 (Appendix 4).

(10) Monitoring of the facility, at least each half hour to ensure continuous operation (refer CAA MANOP IV-B-3-10 or ICAO Annex 10, par. 3.5.7.1, Part I).

(11) Inspections by Federal Government personnel.

(12) Names, addresses and telephone numbers of persons to be notified in an emergency.

(13) Shutdowns for routine maintenance and issuance of Notices to Airmen for routine and emergency shutdowns.

(14) Commissioning the facility.

(15) An acceptable procedure for modifying or revising the manual.

(c) The owner shall submit to the CAA for approval any proposed modifications to the facility, in addition to any requirements of the FCC.

(d) The owner's maintenance personnel shall participate in inspection performed by CAA personnel and will be required to demonstrate proficiency in accomplishing maintenance procedures and use of specialized test equipment.

(e) The owner shall require the facility to be shut down immediately upon receipt of two successive pilot reports of malfunctioning.

(f) The operating and maintenance manual must include pertinent data covering the facility involved. These data should include:

(1) Facility location by latitude and longitude from a reliable map, as well as position with relation to airport layouts.

(2) The type, make and model of the basic radio equipment which will provide the service.

(3) The station power emission and frequency.

(4) The hours of operation.

(5) Station identification call letters and the method of station identification, whether by Morse code or recorded voice announcement and the time spacing of this identification.

(g) The owner shall provide a stock of spare parts including vacuum tubes, sufficient to make possible prompt replacement of components which fail or deteriorate in service.

(h) Federal Airways Manual of Operations IV-B-3-10 and related manuals listed in paragraph 7 thereof, may be of help to the owner in developing his operating and maintenance manual.

§ 407.17 Reports required by Civil Aeronautics Administration; Appendix 4.

(a) The supply of forms for the following reports will be furnished by CAA.

Unless otherwise stated, these reports should be submitted to the CAA Regional Office of the region in which the facility is located.

(1) *Record of Meter Readings and Adjustments—Form ACA-198.* This form shall be completed by the owner or his maintenance representative and shall represent the equipment adjustments and meter readings as of the time of commissioning. One copy shall be retained in the permanent records of the facility and two copies furnished to CAA. The form shall be revised following any major repairs or modernization so that it reflects an accurate record of facility operation and adjustment.

(2) *Maintenance Log of Communication Facilities—Form ACA-406C.* This form constitutes a permanent record of all malfunctioning of the equipment encountered in the maintenance of the facility. Such record will include information on the type of work and/or adjustments performed, equipment failures, causes (if determined) and corrective action taken. The original log shall be kept at the facility and one copy furnished to the CAA at the end of each month.

(3) *Radio Transmitter Operation Record—Form ACA-418.* A complete record of meter readings will be kept on Form ACA-418. The readings should be recorded on each scheduled visit to the station. The original of the form shall be kept at the facility and one copy of each month's record forwarded to CAA. Instructions for the use of this form are contained on the cover of the booklet of forms.

(4) *Electronic Facility Unavailability Record—Form ACA-2171.1 (IBM Card).* Equipment failures that remove the facility from service shall be recorded on Form ACA-2171.1 "mark sense" cards. Each failure shall be entered on a separate card and the cards will be forwarded, in a single package, to Maintenance Operations Division, W-870, Washington, D. C., at the end of each month. Specific instructions for preparation and coding of the outage reports are contained in Federal Airways Manual of Operation IV-A-2-2, and additional instructions contained in Performance Standardization Branch Instructions #7, 10 Rev. No. 1, 11 Rev. No. 2, and 12.

(5) *Radio Facility-Flight Report—Form ACA-496.* Four (4) copies of this Flight Inspection shall be prepared initially by the CAA when originally inspecting the facility pursuant to this TSO; thereafter, at specified intervals by the flight inspection personnel retained by the owner in accordance with the U. S. Standard Flight Inspection Manual. All four copies shall be furnished to the CAA immediately after the periodic inspection.

This amendment shall become effective April 15, 1958.

[SEAL]

WILLIAM B. DAVIS,
Acting Administrator
of Civil Aeronautics.

APRIL 1, 1958.

[F. R. Doc. 58-2533; Filed, Apr. 7, 1958; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CORN-ON-THE-COB

Correction

In Federal Register Document 58-2472 published at page 2171 in the issue for Thursday, April 3, 1958, the following changes should be made:

1. In the ninth line of § 52.937 (a), the phrase "diameter of the ear" should read "diameter of the largest ear". As corrected, paragraph (a) of § 52.937 reads as follows:

§ 52.937 Uniformity of size—(a) (A) classification. Frozen corn-on-the-cob that is practically uniform in size may be given a score of 9 or 10 points. "Practically uniform in size" means that the length of the longest ear does not exceed the length of the shortest ear by more than one inch and that the largest diameter of the largest ear does not exceed the largest diameter of the smallest ear by more than one-half inch.

2. In the second sentence of § 52.941, "this subpart" should read "those regulations". As corrected, § 52.941 reads as follows:

§ 52.941 Ascertaining the grade of a lot. The grade of a lot of frozen corn-on-the-cob covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 through 52.87; 22 F. R. 3535). For the purpose of determining primary container net weight in applying the official sampling procedures set forth in those regulations, an ear of corn shall be considered to weigh 9 ounces.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 1956 Supp., 146.26) are amended

by adding to § 146.26 (b) the following new subparagraph (36):

§ 146.26 *Animal feed containing penicillin.*
(b) * * *

(36) It is intended for use solely as an aid in stimulating growth in chickens and turkeys and as an aid in the prevention of outbreaks of histomoniasis (blackhead) in chickens and turkeys and hexamitiasis in turkeys; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 24 hours before the treated chickens or turkeys are slaughtered for human consumption; and it contains nithiazide (1-ethyl-3-(5-nitro-2-thiazolyl) urea) in a quantity, by weight of feed, of not less than 0.0125 percent and not more than 0.025 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (instead of 24 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendment herein set forth.

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1056, as amended; 21 U. S. C. 371. Interprets or applies sec. 502,

52 Stat. 1050, as amended; sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: April 1, 1958.

[SEAL] GEO. P. LABRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-2554; Filed, Apr. 7, 1958;
8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54558]

PART 78—IMPORTATION OF ARTICLES IN CONNECTION WITH THE WASHINGTON STATE SEVENTH INTERNATIONAL TRADE FAIR AT SEATTLE, WASHINGTON, UNDER PUBLIC LAW NO. 85-362, 85TH CONGRESS

The following regulations under Public Law No. 85-362, 85th Congress, approved March 28, 1958, relate to the entry of articles in connection with the Washington State Seventh International Trade Fair to be held at Seattle, Washington, April 11 to April 20, 1958, inclusive.

- Sec.
78.1 Invoices; marking; bond.
78.2 Entry; appraisement; procedure.
78.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.
78.4 Detail of customs officers to protect revenue; expenses.
78.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

* * * That any article which is imported from a foreign country for the purpose of exhibition at the Washington State Seventh International Trade Fair (hereinafter in this joint resolution referred to as the "exposition") to be held at Seattle, Washington, from April 11 to April 20, 1958, inclusive, by the International Trade Fair, Incorporated, a corporation, or for the use in constructing, installing, or maintaining foreign exhibits at the exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

Sec. 2. It shall be lawful at any time during or within three months after the close of the exposition to sell within the area of the exposition any articles provided for in this joint resolution, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this joint resolution for consumption or entry under the general tariff law.

Sec. 3. Imported articles provided for in this joint resolution shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the

AUTHORITY: §§ 78.1 to 78.5 issued under Pub. Law 85-362, 85th Cong.

§ 78.1 *Invoices; Marking; Bond.* (a) Articles imported for exhibition under the provisions of Public Law No. 85-362, 85th Congress, and valued at over \$500, are subject to the usual special customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations issued thereunder. The invoices shall be on either customs Form 5515 or on foreign service Form 138 and shall contain the information prescribed under section 481 of the Tariff Act of 1930. (19 U. S. C. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International Trade Fair, Incorporated, shall give to the collector of customs at Seattle, Washington, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 85-362, 85th Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

Sec. 4. At any time during or within three months after the close of the exposition, any article entered under this joint resolution may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

Sec. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the exposition, under such regulations as the Secretary of the Treasury shall prescribe.

Sec. 6. The International Trade Fair, Incorporated, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this joint resolution. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under this joint resolution, shall be reimbursed by the International Trade Fair, Incorporated, to the United States under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. sec. 1524). (P. L. No. 85-362)

§ 78.2 Entry; appraisal; procedure. (a) All entries under the regulations in this part shall be made at the port of Seattle, Washington, in the name of the International Trade Fair, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any person duly authorized in writing by the International Trade Fair, Incorporated, to make such entry may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Seattle shall be entered for immediate transportation without appraisal to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Seattle of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION
Entry No. ..

Entry at the port of Seattle of articles consigned or transferred to the International Trade Fair, Incorporated, under ..
I. T. No. .. ex S. S. ..
from .. on the .. day of ..
to .. for exhibition purposes under Public Law No. 85-362 of the 85th Congress, approved March 28, 1958.

| Mark | Number | Package and contents | Quantity | Invoice Value |
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International Trade Fair, Incorporated
By ..

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under the regulations in this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 78.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importers' risk and expense,

and such articles may be entered at any time within one year from the date of importation for exhibition as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of this chapter, except that in each case an entry under paragraph (c) of this section shall be filed, which shall supercede any previous entry, and no new bond other than that specified in § 78.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of this chapter.

§ 78.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act. The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151-164a, 167), shall not be permitted except under permits issued therefor by the Plant Quarantine Branch of the Agriculture Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301 et seq.), and regulations issued thereunder.

§ 78.4 Detail of Customs Officers to protect revenue; expenses. (a) The collector of customs at Seattle, Washington, shall detail an officer to act as his representative at the fair and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisal, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the International Trade Fair, Incorporated, to the Government, payment to be made monthly to the collector of customs, Seattle, Washington, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Salaries and Expenses, Bureau of Customs."

§ 78.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment. (a) Any article entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for de-

struction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisal, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 85-362, 85th Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of this chapter.

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government.

[SEAL]

RALPH KELLY,
Commissioner of Customs.

Approved: April 2, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-2552; Filed, Apr. 7, 1958; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

EXEMPTION OF COMMON CARRIERS BY WATER

Section 1453.3 (d) (2) *Fiscal years ending on or after December 31, 1953 is amended by deleting, in subdivision (1) thereof, the words "January 1, 1957", and inserting in lieu thereof the words "January 1, 1958".*

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: April 2, 1958.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 58-2546; Filed, Apr. 7, 1958; 8:47 a. m.]

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

PART 1477—STATEMENTS TO CONTRACTORS
MISCELLANEOUS AMENDMENTS

1. Section 1460.9 *Efficiency of contractor* is amended by adding to paragraph (b) thereof a new subparagraph (5) to read as follows:

(5) Nature and objectives of incentive and price redeterminable contracts and subcontracts; with respect to such contracts or subcontracts, in which the contract prices are based upon estimated costs, the Board will take into consideration the extent to which any differences between such estimated costs and actual costs are the result of the efficiency of the contractor. To enable the Board to give such consideration, the contractor may, and if requested by the Board, shall furnish on an aggregate or unit basis (i) a breakdown of the estimated costs upon which the prices of such contracts or subcontracts were based, together with the amounts thereof applicable to the fiscal year under review, and (ii) a corresponding breakdown of the costs actually incurred on such contracts or subcontracts or which the contractor estimates will actually be incurred thereon, together with the amounts thereof applicable to the fiscal year under review as reported in the Standard Form of Contractor's Report or other financial data filed by the contractor with the Board with respect to the fiscal year under review; and the contractor shall also furnish an explanation, in such form and detail as may be appropriate, of the reasons for any variances between such breakdowns or between particular cost elements itemized therein, with particular reference to the extent to which such variances are attributable to the performance of the contractor in the fiscal

year under review or to other events occurring in such year. The Board will consider and give due regard to the views of the contracting agencies in connection with the foregoing. Insofar as the efficiency of the contractor may be appraised by analysis of the cost elements set forth in such breakdowns, the Board will observe the following principles:

(a) The Board will consider separately those elements of cost which are wholly outside the control of the contractor and those which the contractor wholly or partly controls.

(b) The fact that the realized costs are less than the original estimates will not necessarily be construed to mean that the contractor has demonstrated efficiency, nor will realization of actual costs in excess of the original estimates necessarily be construed to mean that the contractor has been inefficient.

(c) If the original cost estimates included provision for any contingency which has not materialized and is no longer expected to occur, the contractor will be expected to submit information indicating whether the elimination of such contingency resulted from the efficiency of the contractor or whether the circumstances were such as substantially to eliminate the risk provided against in the original cost estimates.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

2. Part 1477 is amended by renumbering § 1477.4 *Requests for statements* as § 1477.5, and by inserting a new § 1477.4 to read as follows:

§ 1477.4 *Contents of statements.* (a) In every statement of summary furnished pursuant to this part, the facts and reasons considered essential to the determination will be stated in such form and detail as may be appropriate in the particular case and in accordance with

the succeeding paragraphs of this section.

(b) The statement or summary will indicate the recognition given to the contractor under the statutory factor of efficiency, and will discuss such factor in the light of the considerations set forth in § 1460.9 of this subchapter.

(c) Each of the statutory factors (see §§ 1460.9 to 1460.14, inclusive, of this subchapter) will be discussed separately.

(d) Accounting data or schedules will be set forth, either in the body of the statement or summary or as attachments thereto.

(e) If any material issue of law or accounting has been raised in the proceeding and not previously resolved with the contractor, such issue and the disposition thereof will be stated, together with the reasons for such disposition.

(f) In general, in a summary or statement furnished pursuant to this part, every reasonable effort will be made to be responsive to the contentions of the contractor and to provide the contractor, by adequate discussion of the essential facts and reasons involved in the determination, with a basis upon which to evaluate the determination and to decide whether, in the case of a summary furnished pursuant to § 1477.3, to enter into an agreement for the refund of the excessive profits determined, or, in the case of a statement furnished pursuant to § 1477.2, to decide whether or not to file a petition with The Tax Court of the United States for a redetermination thereof (see Part 1475 of this subchapter).

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: April 3, 1958.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 58-2555; Filed, Apr. 7, 1958; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 151]

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, par. 1606), it is proposed to amend the opening paragraphs of § 151.9 (a) and (b) (1) of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR 1956 Supp., 151.9 (a) and (b) (1); 22 F. R. 2656) to read as follows:

§ 151.9 *Recognized breeds and books of record.* * * *

(a) *Breeds and books of record in countries other than Canada.* Books of

the registry associations listed below are recognized for the following breeds: *Provided*, That no Belted Galloway cattle, horse of the Criolla, Fjordhest (formerly known as Westland), Shetland Pony or Welsh Pony and Cob breed, dog, or cat registered in any of the books named shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal.

(b) *Breeds and books of record in Canada.*—(1) *Animals generally.* The books of record of the Canadian National Live Stock Records, Ottawa, Canada, of which F. G. Hodgkin is Director, are recognized for the following breeds: *Provided*, That no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the Division to be of the same

breed: *Provided further*, That no Karakul sheep, Alpine goat, Nubian goat, or horse of the American Saddle Horse, Arabian, Canadian, Shetland Pony or Welsh Pony and Cob breed in Canada shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

The proposed change in § 151.9 (b) (1) would add the Shetland Pony and the Welsh Pony and Cob to the list of breeds of horses in Canada which will not be certified by the Animal Inspection and Quarantine Division of the Agricultural Research Service, Department of Agriculture, as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved is submitted for such animal. The opening paragraph of § 151.9 (a) is revised for purposes of clarification of the words

"Welsh pony", to make it clear that, in the case of countries other than Canada, the requirement for a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved applies to the entire breed designated as "Welsh Pony and Cob."

Any person who wishes to submit written data, views, or arguments concerning the proposed changes may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within twenty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of April 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-2563; Filed, Apr. 7, 1958;
8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 717]

HOLDING OF REFERENDA ON MARKETING QUOTAS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, 7 U. S. C., 1281 et seq., is considering revising and amending the regulations governing the holding of the referenda on marketing quotas as published in the June 9, 1957 daily issue of the FEDERAL REGISTER (21 F. R. 3960), and as amended (21 F. R. 4799, 8793), (22 F. R. 2982, 9250), in the following respects:

1. Amend § 717.2 (b) by changing the first sentence to read as follows: "In each county with 100 or more farms on which there are producers who are eligible to vote in the referendum, the county committee shall designate a community referendum committee for each community or neighborhood in the county in which there are producers who are eligible to vote in the referendum or for any combination of adjacent or nearby communities or neighborhoods if any one of them has less than 25 farms on which producers are eligible to vote in the referendum."

2. Amend § 717.3 (b) (3) to read as follows:

(3) Subject to the provisions of § 717.7 (c) a farmer shall be eligible to vote only at a polling place designated for the community in which he resides or for a combination of communities or neighborhoods which includes the community in which he resides, except that any farmer who will not vote at such a polling place may vote at the polling place designated for the community or combination of communities or neighborhoods in which he was engaged, or

will be engaged, in the production of the commodity which will qualify him as a voter.

3. Amend § 717.3 (c) to read as follows:

(c) *Register of voters.* The community referendum committee shall cause to be prepared a register of voters on Form MQ-4 at each polling place designated for a community or neighborhood or combination of communities or neighborhoods where the referendum is held by entering on such register the names and addresses of persons voting in the referendum.

4. Amend § 717.4 to read as follows:

§ 717.4 *Place for balloting.* The county committee shall designate at least one place for balloting in each community or neighborhood or combination of communities or neighborhoods for which a community referendum committee is designated. The polling place shall be one well known to and readily accessible to the persons in the community or neighborhood or combination of communities or neighborhoods and shall be equipped and arranged so that each voter can mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatsoever.

5. Amend § 717.7 (d) by changing the first sentence thereof to read as follows: "The community referendum committee or any member thereof shall challenge the eligibility of any person to vote in the referendum where (1) the community referendum committee or any member thereof is unable to determine that the person is eligible to vote in the referendum in the community or neighborhood; (2) the community referendum committee, or any member thereof is unable to determine that he has not previously voted in the referendum in another community or neighborhood in the same or another county, in person or by mail, or (3) the community referendum committee or any member thereof is not certain that the person is eligible to vote."

6. Amend § 717.9 by deleting the second sentence and changing the third sentence to read as follows: "The community referendum committeeman who issued the ballot form shall at the same time enter in the column headed "Ballot Cast" of the register of voters opposite the name and address of the person voting a record of the issuance of the ballot."

7. In addition to the specific amendments described above consideration will be given to any other proposed amendment of the regulations governing the holding of referenda on marketing quotas which is submitted pursuant to this notice.

8. It is proposed that the regulations governing the holding of referenda on marketing quotas as heretofore issued and amended including the additional amendment made pursuant to this notice be published in the FEDERAL REGISTER as a revised issuance of such regulations.

All persons who desire to submit written data, views and recommendations in

connection with the above proposals or wish to suggest other changes in the present regulations should file the same with the Deputy Administrator, or Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 3d day of April 1958.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-2564; Filed, Apr. 7, 1958;
8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 32153]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

BETTERMENT AND DEPRECIATION ACCOUNTING; RAILROADS

Upon consideration of a motion filed March 4, 1958, by Arthur Andersen & Co. to consolidate the record in No. 32153 with the record in No. 15100, Depreciation Charges of Steam Railroad Companies (118 I. C. C. 295; 177 I. C. C. 351), for hearing and disposition, and a reply to that motion filed March 18, 1958, by the Association of American Railroads; and,

It appearing that No. 15100 was a proceeding of investigation instituted on the Commission's own motion pursuant to provisions of section 20 (4) of the Interstate Commerce Act, as amended, and that the order entered March 29, 1935, which postponed until further order of the Commission all action taken therein, was in fact superseded by an order approved at a general session of the Commission on June 8, 1942, which amended accounting regulations prescribed for railroad companies to embrace therein many of the findings in No. 15100, but which omitted earlier requirements for depreciation accounting in respect of the railroad track structure.

It further appearing that the investigation now pending in No. 32153 into the matter of betterment accounting, as instituted by a notice of proposed rule making herein dated April 23, 1957 (22 F. R. 3016), concerning which the written views and suggestions of interested persons were invited, have been filed, and are presently under consideration, has not been shown to require complete review of depreciation accounting for all railroad property, including property not subject to betterment accounting;

It is ordered, That the said motion to consolidate for hearing and disposition the record in No. 32153 with the record in No. 15100 be, and it is hereby, overruled for the reason that the matters submitted in support thereof do not pre-

sent sufficient grounds to warrant sustaining the motion.

Dated at Washington, D. C., this 26th day of March A. D. 1958.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2544; Filed, Apr. 7, 1958;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS UNDER
THE SECURITIES EXCHANGE ACT OF 1933

NOTICE OF EXTENSION OF TIME FOR SUBMITTING COMMENTS

On March 5, 1958, the Securities and Exchange Commission, in Securities Act Release No. 3903, invited all interested persons to submit their views and comments in regard to a proposed new Rule 136 and a proposed amendment to Rule 140 with respect to assessable stock. It was requested that such views and comments be submitted on or before April 7,

1958. Pursuant to request, the Commission has extended the time for submitting such views and comments to June 7, 1958.

The proposed new Rule 136 would define the terms "offer", "offer to sell", "offer for sale", and "sale" to include specifically the levying of an assessment on assessable stock. The amendment to Rule 140 would operate to treat as an underwriter any company which is chiefly engaged in levying assessments on its assessable stock in order to purchase the securities of another issuer or of two or more affiliated issuers.

In connection with the above proposals, the Commission is also considering changes in its exemption rules under the Securities Act of 1933 so that the levying of small amounts of assessments could be effected pursuant to an appropriate exemption and would not require registration under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 25, 1958.

[F. R. Doc. 58-2547; Filed, Apr. 7, 1958;
8:47 a. m.]

Numbers 97-99 inclusive,
Number 113.
General Amendment of June 20, 1955.
General Amendment of Feb. 19, 1957.

3. This order shall take effect immediately.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-2549; Filed, Apr. 7, 1958;
8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Navy has filed an application, Serial No. A.031764 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and the mineral leasing laws. The applicant desires the land for protection of existing and contemplated defense installations.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

ALEUTIAN ISLANDS AND KODIAK ISLAND

1. Attu Island: That land lying south of latitude 52°52'00" N. between longitude 173°04'00" E. and longitude 173°14'00" E., approximately 11,670 acres.

2. Adak Island: That part of the island east of the Bay of Island and north of latitude 51°47'15" N., approximately 61,000 acres of land.

3. Kodiak Island: Beginning at Corner No. 2 of U. S. Survey No. 2539, U. S. Naval Reserve at Kodiak, thence

East 11,832.42 feet along boundary of U. S. Survey No. 2539,

N. 34°41' W., 7,907.16 feet;
S. 85°45'15" W., 4,157.22 feet;
N. 89°25'45" W., 5,957.22 feet;
S. 52°28'30" W., 10,567.29 feet;
S. 13°10'30" W., 9,085.74 feet;

S. 6°34' E., 4,371.48 feet;
S. 87°18'35" E., 12,715.45 feet to a point on the west boundary of United States Survey No. 2539;

North, 13,973.68 feet along west boundary to a point of beginning.

Containing approximately 6,269.7 acres.

4. Middle Bay: That portion of the north-west shore of Middle Bay lying east of the east boundary of United States Survey No. 2539, U. S. Naval Reserve.

Containing 49.28 acres.

DONALD T. GRIFFITH,
Acting Operations Supervisor,
Anchorage.

[F. R. Doc. 58-2550; Filed, Apr. 7, 1958;
8:48 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 156]

INTERNATIONAL RADIO CONFERENCE

NOTICE OF PREPARATORY MEETING

The United States Preparatory Committee for the forthcoming International Radio Conference has invited all interested persons to attend a meeting at 9:30 a. m. Friday, April 11, 1958, in the Main Conference Room of State Department Annex 17, 1776 Pennsylvania Avenue NW., Washington, D. C.

The meeting will consider draft proposals for submission to the Conference, which will convene in Geneva, Switzerland, on July 1, 1959. The meeting will be chaired by Francis Colt de Wolf, Chief, Telecommunications Division, Department of State.

THOMAS C. MANN,
Assistant Secretary for
Economic Affairs.

APRIL 4, 1958.

[F. R. Doc. 58-2603; Filed, Apr. 7, 1958;
9:17 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

GENERAL AMENDMENT TO SPECIFIED SMALL
TRACT CLASSIFICATION ORDERS IN AN-
CHORAGE LAND DISTRICT

MARCH 25, 1958.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pur-

suant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473) as amended, it is ordered as follows:

1. All competitive Small Tract Classification Orders issued by the Bureau of Land Management between October 4, 1948 and March 14, 1957 as amended by General Amendments dated June 20, 1955 and February 19, 1957, which classified land in the Anchorage Land District for lease and sale and which opened the land to application under the Small Tract Act, supra, are hereby amended to (a) authorize the issuance of leases for a period of three years and, (b) require the payment of three years rental in advance.

2. Small Tract Classification Orders involved include:

Numbers 2, 4, 6.
Number 7 as amended.
Numbers 8-12 inclusive.
Number 17.
Number 18 as corrected.
Number 19 as amended.
Numbers 23, 24, 25.
Number 29 as amended.
Number 32.
Number 33 as amended.
Number 34 as amended.
Numbers 35-37 inclusive.
Number 38 as amended.
Numbers 40, 42, 43, 46.
Number 48 as corrected.
Number 51.
Numbers 53-55 inclusive.
Number 58 except as lease-only tracts.
Numbers 60-62 inclusive.
Number 65 as corrected.
Number 66 as corrected.
Number 74 as amended.
Numbers 75, 76, 81.
Number 88 as amended.

[Los Angeles 0114594]

CALIFORNIA

AIR NAVIGATION SITE WITHDRAWAL

MARCH 31, 1958.

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 24) as amended, and pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office dated November 19, 1954 (19 F. R. 7697). It is ordered as follows:

Subject to valid existing rights, the following described public land in California is hereby withdrawn from all forms of appropriations under public land laws, including the mining and mineral leasing laws, and reserved for the use of the Corps of Engineers, U. S. Army, Los Angeles District, in the maintenance of air navigation facilities, Los Angeles 0114594:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 10 N., R. 5 W..

Sec. 26. Beginning at the southeast one-sixteenth corner of said section 26, not monumented;

N. 89°09'46" W. 250.0 ft. along the latitudinal quarter section line.

S. 0°09'16" E. 200.0 ft.;

S. 89°09'46" E. 250.0 ft.;

N. 0°09'16" W. 200.0 ft. to the true point of beginning.

The tract as described contains 1.15 acres in the County of San Bernardino, California.

It is intended that the above described land shall be returned to the administration of the Department of Interior when it is no longer needed for the purpose for which it is reserved.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles.

[F. R. Doc. 58-2535; Filed, Apr. 7, 1958;
8:45 a. m.]

Bureau of Reclamation

[Public Notice 18]

GILA PROJECT, ARIZONA; WELLTON-MOHAWK DIVISION

PUBLIC NOTICE REGARDING ESTABLISHMENT OF FARM UNITS FOR CERTAIN DESERT LAND ENTRIES

MARCH 26, 1958.

1. *Establishment of farm units.* It is hereby announced that in pursuance of the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto, and in accordance with the terms, conditions, and charges herein provided, the boundaries of the hereinafter described desert land entry farm units situate within the Wellton-Mohawk Division of the Gila Project are hereby established as shown on approved farm unit plats on file in the office of the Project Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, and in the Land Office, Bureau of Land Management, Phoenix, Arizona. Water is now available for the irrigable lands in said farm units which are described as follows:

GILA AND RAIL RIVER MERIDIAN, ARIZONA

| B.L.M. Serial No. | Sec. | Farm unit | Description | Acreage | |
|---------------------------------|------|--------------|---|---------|-----------|
| | | | | Gross | Irrigable |
| TOWNSHIP 8 SOUTH, RANGE 19 WEST | | | | | |
| Phx 061253 | 25 | A | Lots 3, 4, and W1/2SE1/4..... | 150.0 | 151.7 |
| TOWNSHIP 8 SOUTH, RANGE 20 WEST | | | | | |
| Phx 063527 | 17 | A | SE1/4..... | 150.9 | 81.0 |
| Phx 060474 | 21 | B | Lots 3, 5, 21, N1/2SW1/4NW1/4, Sec. 21, Lots 1, 3 and 6, Sec. 20. | 118.7 | 110.5 |
| AR 06016 | 23 | A | S1/2SE1/4..... | 80.0 | 75.9 |
| Phx 050151 | 24 | A | SE1/4SW1/4, S1/2SE1/4, Sec. 24, Lot 4, Sec. 19, T. 8 S., R. 19 W. | 152.5 | 138.4 |
| Phx 058032 | 26 | A | NEM..... | 159.9 | 147.2 |
| Phx 065221 | 27 | A | W1/4NW1/4, NW1/4SW1/4..... | 120.2 | 83.4 |

2. *Charges for water during development period.* Pursuant to the provisions of the repayment contract of March 4, 1952, as supplemented and amended June 19, 1954, October 13, 1954, December 16, 1954, April 25, 1955, and December 9, 1955, hereinafter referred to as the contract of March 4, 1952, between the United States and the Wellton-Mohawk Irrigation and Drainage District, the Secretary of the Interior has announced a development period of 10 years starting October 28, 1955, for lands in Irrigation Block No. 3, in which all of the lands affected by this notice are situate. During this development period payment of general repayment obligation charges will not be required. Charges for delivery of water during the development period will be established in accordance with the aforementioned contract of March 4, 1952.

During such time as the District operates and maintains the distribution system and other works not including those specified as reserved works by the contract of March 4, 1952, the District will make such charges as may be required to meet costs of the care, operation and maintenance of works transferred to it. These charges will be payable in addition to charges which will be made for the care, operation and maintenance of works retained by the United States and utilized in delivery of water to works under the care of the District.

3. *Payments after development period.* The District shall, when necessary, levy and collect appropriate taxes, assessments and/or other charges sufficient to enable it to pay to the United States operation and maintenance charges and general repayment obligation charges as provided in the contract of March 4, 1952. The general repayment obligation of the District, which subject to certain qualifications, will not exceed \$42,000,000, will be allocated among several irrigation blocks aggregating approximately 75,000 irrigable acres. Each irrigation block will be required to pay its allocated share during the 60-year period which immediately follows the end of its development period. District levies covering these charges will be graduated according to the productivity group in which the land is situated, in accordance with mechanics therefor provided in the repayment contract. At the option of the Board of Directors of the

District, payment of these charges will be computed in accordance with a variable formula providing for payment of lesser amounts during periods of low agricultural prices and greater payments during periods of high agricultural prices.

4. Among the laws and regulations applicable to the above-mentioned desert land entries is section 5 of the act of June 27, 1906 (34 Stat. 520), as amended by the act of June 6, 1930 (46 Stat. 502), which provides, in part, as follows:

*** if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry the entryman shall thereupon comply with all the provisions of the aforesaid act (act) of June 17, 1902, and shall relinquish within a reasonable time after notice as the Secretary may prescribe and not less than two years all land embraced within his desert-land entry in excess of one farm unit, as determined by the Secretary of the Interior, and as to such retained farm unit he shall be entitled to make final proof and obtain patent upon compliance with the regulations of said Secretary applicable to the remainder of the irrigable land of the project and with the terms of payment prescribed in said act of June 17, 1902, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation act.

V. E. LARSON,
Acting Regional Director.

[F. R. Doc. 58-2536; Filed, Apr. 7, 1958;
8:46 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54560]

TUNA FISH

TARIFF RATE QUOTA

APRIL 3, 1958.

Pursuant to Presidential Proclamation No. 3128 of March 16, 1956 (T. D. 54051), it has been determined that 44,693,874 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1958 at the rate of 12½ per centum ad valorem under paragraph 718 (b), Tariff Act of 1930, as modified. Any tuna classifiable under paragraph 718 (b) of the tariff act which is entered, or withdrawn, for consumption during the current calendar year in excess of this quota

will be dutiable at the full rate of 25 per centum ad valorem.

The above quota is based on the United States pack of canned tuna during the calendar year 1957, as reported by the United States Fish and Wildlife Service.

[SEAL]

RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 58-2553; Filed, Apr. 7, 1958;
8:48 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 245]

OLEINE S. A. AND EMILIO F. BORDIN

ORDER DENYING EXPORT PRIVILEGES

In the matter of Oleine S. A., Emilio F. Bordin, President, Genferstrasse 24, Zurich, Switzerland, Respondents.

The respondents, Oleine S. A. and its president, Emilio F. Bordin, of Zurich, Switzerland, having been charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce of the U. S. Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they made false statements and representations and concealed material facts from suppliers of goods exported or to be exported from the United States and thereafter transshipped goods so obtained to unauthorized destinations, duly answered the charges and denied the conclusions of violation alleged without putting in issue material facts set forth in the charging letter.

The respondents did not demand an oral hearing and, in accordance with the practice, this case was referred to the Compliance Commissioner, to whom was presented all evidence in support of the charges and the answer submitted by the respondents. After the evidence was submitted, the Compliance Commissioner in due course made his report and recommendation, which, upon the facts as hereafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the answer of the respondents, the evidence submitted in support of the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Emilio F. Bordin, president of Oleine S. A., and his firm, Oleine S. A., were engaged in the import-export business in Zurich, Switzerland, and all acts hereinafter found to have been performed by Oleine S. A. were performed under the supervision and direction of respondent Bordin and, wherever reference is hereinafter made to Oleine S. A., such reference includes also the respondent Emilio F. Bordin.

2. At all times hereinafter mentioned, the respondents knew that goods exported from the United States were subject to export controls imposed thereon by the Government of the United States and that such controls were concerned with the ultimate destination and end

use of goods so exported from the United States.

3. Heretofore and on or about the 14th day of June 1955, respondents ordered 670 bottles of Pfizer's tetracycline, valued at \$14,941, from an exporter in the United States and, with respect to 335 bottles thereof, induced the sale and exportation thereof from the United States to them, upon the representation that and with the understanding that said 335 bottles of tetracycline were to be reshipped by the respondents to Israel.

4. In reliance upon said representation and believing that the said 335 bottles of tetracycline were being purchased by the respondents for reshipment of Israel, the American exporter did, on or about the 1st day of July 1955, export the same from the United States under general license GRO to the respondents who thereafter obtained control thereof, and transshipped them to the Communist sector of Berlin.

5. On or about the 21st day of December 1955, for the purpose of inducing an American producer's distributor in Belgium to sell to them 1,000 vials (intravenous) and 1,500 vials (capsules) of terramycin, valued at \$8,450, respondents stated and represented to such distributor that the said terramycin was to be exported by them to a named customer in the Belgian Congo.

6. At the time that respondents made said representation, they knew that the said terramycin, prior thereto, had been exported from the United States.

7. The firm named by the respondents to the distributor as their customer for the said terramycin had never agreed to purchase such terramycin from the respondents.

8. The distributor thereafter, in compliance with said order, did deliver to the respondents the said terramycin and the said respondents, upon obtaining control thereof, loaded the same upon an airship for the purpose of leading the said distributor to believe that they in fact were shipping the same to the Belgian Congo.

9. During the course of the carriage of said terramycin, the respondents intercepted the same at a way station in the Netherlands and issued new instructions to the carrier, directing that it be diverted from the Belgian Congo to Bucharest, Rumania, and the same was thereafter transshipped to Rumania in accordance with said instructions.

10. Heretofore and on or about the 25th day of May 1956, the respondents stated and represented to an American manufacturer's distributor in Switzerland that they required a certain quantity of coal tar dyes for their own use.

11. At the time that they made such statement, they knew that the coal tar dyes being distributed by said distributor had been exported from the United States.

12. After some negotiations, the respondents agreed to increase their order to 25 kilograms, that being the quantity which the distributor had available for disposition in Antwerp, Belgium.

13. In reliance on respondents' representation that they required the said

coal tar dyes for their own use, the distributor thereafter sold and delivered to them the said 25 kilograms of coal tar dyes. The respondents thereafter caused the same to be loaded aboard a Russian steamer bound for a Soviet Bloc destination.

14. Respondents did not seek nor were they granted permission from the Bureau of Foreign Commerce to transship any of the said commodities to the destinations to which they transshipped them, although such permission was necessary and known by the respondents to be necessary by reason of U. S. export controls affecting the said goods.

And, from the foregoing, the following are my conclusions:

A. That respondents knowingly made false and misleading representations and statements to and concealed material facts from exporters and suppliers of U. S. commodities for the purpose of obtaining goods exported from the United States and reexporting, transshipping, and diverting them in violation of § 381.5 of the Export Regulations.

B. That respondents bought, received, sold, disposed of, transported, and forwarded goods which had been exported from the United States, and caused the doing of such acts, knowing that with respect to such goods, a violation of the U. S. export control law, regulations, and licenses, had occurred, was about to and was intended to occur, in violation of § 381.4 of the Export Regulations.

C. That respondents, without the specific authorization of the Bureau of Foreign Commerce, knowingly disposed of, diverted, transshipped, and reexported U. S. commodities to unauthorized persons and destinations contrary to prior representations and contrary to the U. S. export control law, regulations and licenses, and caused the doing of such acts, in violation of §§ 371.4, 381.2, and 381.6 of the Export Regulations.

Extracts from the report of the Compliance Commissioner are:

Oleine's answer, in effect, does not deny the representations and transshipments but alleges what in the law of pleading are known as defenses in avoidance. [It did] not present a detailed reply to the individual points of the charge because of the [alleged] prohibition of section 273, Swiss Penal Code, which, it says, "makes the communication of any industrial or business secret to a foreign government agency liable to punishment as an act of economic espionage on behalf of a foreign country." * * * I do not construe section 273 as prohibiting Oleine from answering as to its personal conduct as distinguished from the conduct of others. * * * The representations which it made [to its suppliers] disclosed the represented consignees and destinations and, to that extent, any confidentiality has been released by Oleine itself, and these charges require only that it prove, by rebutting the evidence herein, that it actually did what it said it was going to do when it obtained the goods or induced the sale thereof to it.

[It argues] that a European cannot be expected to be familiar with all the American statutes governing a particular transaction nor can the American supplier be expected to incorporate in a contract all the export regulations. Oleine says that the most that can be expected is that there be a specifica-

tion of a particular destination, and it cites as the reason [or explanation] for this the vendor's own limitations to particular areas by reason of the agency arrangements under which the vendor himself is permitted to sell by his supplier. It argues, therefore, that this is not a matter of public law but is only a private contractual relationship which it believes can lead only to a breach of contract and not a violation of law. * * *

* * * As long ago as the Elacris case (21 F. R. 5872, Aug. 7, 1956), we held that, although we are not concerned with an ordinary commercial breach of contract, where such breach of contract, in turn, results in a breach or violation of American law, it thereby becomes a breach of American law, and the party becomes subject to such remedies as this country may deem appropriate in the case. * * *

* * * Oleine says that here no official statement was demanded nor was one furnished and, for that reason, it was justified in assuming that strategic materials were not involved and, therefore, the subject matter of the contract was not governed by American export regulations. * * *

This defense is, no doubt, prompted by the practice involving import certificates and end-use statements. However, this becomes only a question of degree because, assuming (what was not the fact) that no import certificates or end-use statements were required with respect to all the commodities here involved, Oleine was able to obtain them only upon making specific representations as to end use and destination. The mere fact that such statements were not clothed with the aura of a government document or a formally executed governmental form does not make the representations any the less effective. * * *

* * * It alleges that all the commodities involved were sold to it as "nonstrategic materials." Basically, whether or not the goods were strategic or nonstrategic materials is not relevant in this case. The relevant factor is that shipment or transshipment of these goods to Soviet Bloc destinations was prohibited unless expressly authorized by the Bureau of Foreign Commerce. * * * The fact that sales of terramycin and tetracycline might have been made to Yugoslavia, either by other American suppliers or by European firms, did not thereby justify sales to other Communist countries by Oleine, particularly when Oleine acquired the goods upon representations of destinations other than Communist countries. * * *

* * * Whether or not, as is alleged, Yugoslavia continually imports terramycin and tetracycline from the United States, it is wholly irrelevant to the issue whether Oleine in this case made false representations, which is precisely what Oleine admits it did. While Oleine makes a notable emotional argument about the desirability of helping poor sufferers who by happenstance are under the heel of the Communists and about public declarations on the part of the United States that it was prepared to give aid to such suppressed nations, the argument is not sound. Such aid as the United States may decide to give is a matter within the sole determination of the United States and it is not for Oleine to take upon itself the giving of such aid in the name of or under the presumed but not justified theory that it is thereby implementing an announced policy of the United States. * * *

I have given careful consideration to the answer submitted on behalf of the respondents and, while the defenses imposed by them are insufficient in law, these defenses indicate that the respondents, although knowing that their conduct was in violation of export control regulations of the United States, nevertheless might have believed, because they were not physically subject to

the jurisdiction of the United States, and because the acts committed by them were not in violation of the laws of Switzerland, the place of their residence, that the enforcement procedures of this Government could not reach them. They are being furnished with a copy of this report, in which I have discussed in some detail all the arguments submitted on their behalf and tried to show why such arguments are not sufficient to avert the sanctions which this Government regards as necessary to attain effective enforcement of the law. In making the recommendation which I am about to make, I do so with the feeling and the hope that, when respondents understand the law as expressed in this report, they will conclude that the regulations affecting goods exported from the United States follow the goods so exported and are binding upon all persons obtaining control thereof. With that conclusion, it is my expectation and trust that they will thereafter abide by such regulations. For these reasons, it is my recommendation that they be denied export privileges so long as export controls are in effect but that such denial be immediately effective for one year only and that thereafter the respondents shall be placed on probation, upon the terms and conditions to be incorporated in the order which I shall submit herewith.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. Henceforth, and so long as exports from the United States shall be controlled, the respondents, Oleine S. A. and Emilio F. Bordin, be and they hereby are suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by them, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Upon condition that the respondents comply in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, commencing one year following the date hereof, they may en-

gage in and enjoy all export privileges permitted by United States laws and regulations.

IV. The privileges conditionally restored to the respondents, under Part III hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that the respondents, at any time following the date hereof, have knowingly failed to comply with any of the conditions or provisions upon which or whereby, by Part III hereof, they have been permitted to engage in any phase of the export business otherwise denied to them under Part I hereof.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, shall, on behalf of or in any association with the respondents, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, dispose of, finance, transport, or forward, any commodity heretofore or hereafter exported from the United States. Nor shall any such person do any of the foregoing acts with respect to any such commodity or exportation in which the respondents may have any interest of any kind or nature, direct or indirect.

Dated: April 3, 1958.

JOHN C. BORTON,

Director,

Office of Export Supply.

[F. R. Doc. 58-2534; Filed, Apr. 7, 1958; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-98]

UNIVERSITY OF DELAWARE

NOTICE OF APPLICATION FOR UTILIZATION
FACILITY LICENSE

Please take notice that the University of Delaware, Newark, Delaware, under section 104c of the Atomic Energy Act of 1954, filed an application dated March 19, 1958, for a license to acquire, possess and operate on the University's campus a 100-milliwatt research reactor. The reactor is designated by the manufacturer, Aerojet-General Nuclear, a Division of Aerojet-General Corporation, as Model AGN-201, Serial No. 113. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Germantown, Md., this 1st day of April 1958.

For the Atomic Energy Commission.

H. L. PRICE,

Director,

Division of

Licensing and Regulation,

[F. R. Doc. 58-2532; Filed, Apr. 7, 1958; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9173]

DENVER-GRAND JUNCTION NONSTOP CASE
NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on April 28, 1958, at 10:00 a. m., m. s. t., in the United States District Courthouse, Grand Junction, Colorado, before Examiner William J. Madden.

Dated at Washington, D. C., April 1, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2559; Filed, Apr. 7, 1958;
8:49 a. m.]

[Docket No. 9185 et al.]

KANAB-PAGE-GLEN CANYON AREA
INVESTIGATION

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding heretofore assigned to be held on April 22, 1958, is hereby reassigned to be held on April 23, 1958, at 10:00 a. m., m. s. t., in Room 307, Exchange Building, 32 Exchange Place, Salt Lake City, Utah, before Examiner William J. Madden.

Dated at Washington, D. C., April 1, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-2560; Filed, Apr. 7, 1958;
8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6804]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

APRIL 1, 1958.

In the Notice of Application dated March 26, 1958, and published in the FEDERAL REGISTER on April 1, 1958 (23 F. R. 2131), on page 1, in the last sentence of paragraph 1 the words "proposed issuance unsubscribed" should be deleted and the words "entire proposed issuance" inserted therein.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2537; Filed, Apr. 7, 1958;
8:46 a. m.]

[Docket No. G-1705]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF PETITION FOR MODIFICATION

APRIL 2, 1958.

Take notice that on January 16, 1958, Panhandle Eastern Pipe Line Company (Panhandle), a Delaware corporation having its principal place of business in

Kansas City, Missouri, filed in Docket No. G-1705 a petition for modification of the certificate of public convenience and necessity granted to it by the Commission's Opinion No. 392 and accompanying order issued June 30, 1956 (15 FPC 46), so as to authorize operation of facilities actually constructed in lieu of those originally certificated, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The facilities involved herein are:

(1) *Anderson, Indiana, Lateral.* Panhandle was authorized to build 11 miles of 10-inch pipeline from its main line to the north side of Anderson and establish a new delivery point to Central Indiana Gas Company. Panhandle states that distribution system problems required the actual building of the lateral around Anderson to the original delivery point on the south side of the city and increasing the diameter to 12 inches. The actual cost was \$556,767 compared to an estimated \$335,420 for the authorized shorter, smaller lateral;

(2) *Fort Wayne, Indiana, Lateral.* Panhandle was authorized to replace 3.5 miles of looped 6-inch pipe with a like distance of looped 10-inch pipe for service to Northern Indiana Public Service Company to serve Fort Wayne, Indiana. Instead of the twin 10-inch pipelines, one 16-inch pipe was installed at a cost of \$148,523, compared with the estimate of \$171,289 for the authorized twin 10-inch lines; and

(3) *Winchester, Indiana, Lateral.* Panhandle was authorized to build a partial 6-inch loop on this lateral, 3.3 miles of loop out of a total length of 7.05 miles. To maintain adequate delivery pressure to Ohio Valley Gas Company for resale in Winchester, a complete loop was installed at a cost of \$125,274 compared with the estimate of \$63,860 for the authorized partial loop.

This matter should be disposed of as promptly as possible under the applicable rules and regulations of the Commission, and to that end:

Take further notice that protests or petitions to intervene herein may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 18, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2539; Filed, Apr. 7, 1958;
8:46 a. m.]

[Docket No. G-4991]

CARTER OIL CO.

ORDER REINSTATING APPLICATION AND ISSUING NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 1, 1958.

In the Order Reinstating Application and Issuing Notice of Application and Date of Hearing, issued March 25, 1958, and published in the FEDERAL REGISTER on March 29, 1958 (23 F. R. 2111-2), on page 1, line 2 of second paragraph the date "October 16, 1956" should be cor-

rected to read "October 1, 1956"; and on page 2, line 3 of the finding paragraph and lines 1 and 2 of Ordering paragraph (A), the date "October 16, 1956" should be corrected to read "October 1, 1956".

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2538; Filed, Apr. 7, 1958;
8:46 a. m.]

[Docket Nos. G-14145, 14179]

JOHN F. ANDERSON ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 2, 1958.

In the matters of John F. Anderson et al., Docket No. G-14145; Texas Illinois Natural Gas Pipeline Company, Docket No. G-14179.

Take notice that on January 6, 1958, Texas Illinois Natural Gas Pipeline Company (Texas Illinois), a Delaware corporation, having its principal place of business in Chicago, Illinois, filed in Docket No. G-14179 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 3-inch tap on its existing 26-inch main transmission pipeline in Wharton County, Texas, and approximately 1½ miles of 4-inch lateral supply pipeline to extend from point of connection with the aforesaid proposed tap to a proposed meter station to be installed by Texas Illinois in the Menefee Field in Wharton County, Texas, in order to purchase and receive natural gas produced in said field by John F. Anderson, et al., subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission and open for public inspection.

On December 26, 1957, John F. Anderson, W. F. Cooke, Jr., and R. D. MacDonald, Jr. (Producer Applicants), independent producers, with a mailing address: Acco Oil & Gas Company, 665 San Jacinto Building, Houston, Texas, filed an application in Docket No. G-14145 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas produced from leases in the Menefee Field, Wharton County, Texas in interstate commerce to Texas Illinois for resale subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission, and open for public inspection.

The applications of Texas Illinois in Docket No. G-14179, and John F. Anderson, et al., in Docket No. G-14145 reflect that the proposals of the Applicants will enable Texas Illinois to purchase and receive additional volumes of natural gas for its system requirements. The estimated cost of Texas Illinois' proposed facilities is \$38,700, and will be defrayed by Texas Illinois from funds on hand.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the ap-

plicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 7, 1958, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2540; Filed, Apr. 7, 1958;
8:46 a. m.]

[Docket No. G-14422]

BLUE RIDGE GAS CO.

NOTICE OF APPLICATION

APRIL 2, 1958.

Take notice that Blue Ridge Gas Company (Applicant), an intrastate public utility, incorporated under the laws of Virginia, with its principal place of business in Harrisonburg, Virginia, filed an application on February 7, 1958, as supplemented on March 7, 1958, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Atlantic Seaboard Corporation (Atlantic Seaboard), to establish physical connection of its facilities with facilities proposed by Applicant and to sell and deliver to Applicant natural gas for distribution as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks an order directing Atlantic Seaboard to establish physical connection of its facilities with those which Applicant proposes to construct and sell and deliver to Applicant natural gas for distribution and resale in or near the cities of Harrisonburg, Timberville and Broadway, all in the state of Virginia. The application states that Applicant is presently operating a gas distribution system in the city of Harrisonburg, Virginia, serving propane-air gas to some 440 customers, and now desires

to convert this distribution operation to natural gas, because of its economic advantages over the propane-air mixture which it is now selling, and in addition to initiate natural gas service in the communities of Broadway and Timberville. The application further states that initially, five industrial customers would also be served, primarily on an interruptible basis, from main line taps on Applicant's proposed transmission lines.

Applicant proposes to construct and operate the following facilities:

(1) Approximately 18.0 miles of 6-inch transmission pipeline extending from a connection with Atlantic Seaboard's 24-inch main line in Rockingham County, Virginia, approximately 1½ miles south of New Market, Virginia, to the cities of Timberville and Broadway, and terminating in the city of Harrisonburg.

| Type of service | 1st year | | 2d year | | 3d year | |
|------------------|----------|----------|---------|----------|---------|----------|
| | Annual | Peak day | Annual | Peak day | Annual | Peak day |
| Residential..... | 54,100 | 566 | 68,400 | 1,071 | 132,700 | 1,593 |
| Commercial..... | 22,300 | 198 | 26,900 | 231 | 30,100 | 294 |
| Industrial..... | 474,400 | 220 | 570,000 | 120 | 571,000 | 140 |
| Other..... | 15,000 | 50 | 15,000 | 50 | 15,800 | 55 |
| Losses..... | 22,632 | 43 | 28,012 | 59 | 29,984 | 78 |
| Total..... | 588,432 | 1,107 | 728,312 | 1,531 | 779,584 | 2,040 |

Applicant estimates the total capital cost of constructing its proposed facilities at \$1,139,019 with additional investment in the second to fifth years of proposed operation to total \$439,400. Applicant proposes to finance its project through the sale of \$1,000,000 of 6 percent First Mortgage Bonds, \$250,000 of 7 percent debentures, \$150,000 of other securities and earnings over a five-year period.

Atlantic Seaboard on February 25, 1958, filed an answer to the application herein stating that its existing facilities have sufficient capacity to deliver the volumes of natural gas requested by Applicant, and that the service to Applicant would not adversely affect Atlantic Seaboard's gas supply or existing service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 24, 1958.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2541; Filed, Apr. 7, 1958;
8:46 a. m.]

[Docket No. G-14805]

D. E. LONDON ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGES IN RATES

APRIL 2, 1958.

D. E. London et al. (London), on March 3, 1958,¹ tendered for filing proposed changes in his presently effective rate schedules for sales of natural gas

¹ Filings completed on March 19, 1958.

(2) Approximately 11.0 miles of 4-inch transmission pipeline from a connection with the above-mentioned 6-inch line on the outskirts of Harrisonburg, to the Harrisonburg Municipal Generating Plant at Montevideo, Virginia.

In addition, Applicant proposes to construct and operate distribution systems in Broadway and Timberville, and will utilize its existing propane-air distribution system in Harrisonburg, to render natural gas service in that city, after converting it for such use and enlarging it to include a greater service area in Harrisonburg. Applicant states that its proposed service area had a population of 35,079 in 1950, which is predominantly agricultural with growing food processing, chemical and other industries. Applicant estimates its natural gas requirements in Mcf as follows:

subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.

Purchaser: Lone Star Gas Company.

Rate schedule designation: Supplement No. 1 to London's FPC Gas Rate Schedule No. 1. Supplement No. 1 to London's FPC Gas Rate Schedule No. 2. Supplement No. 2 to London's FPC Gas Rate Schedule No. 4.

Effective date: April 3, 1958 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed periodic rate increases, London cites the contract price provision therefor and states, among other things, that the contracts resulted from good faith arm's-length negotiations; that the increased price does not exceed the current market price where produced, and the increases are necessary to protect against increasing costs and to provide a reasonable return on the investment.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplement No. 1 to London's FPC Gas Rate Schedule No. 1, Supplement No. 1 to London's FPC Gas Rate Schedule No. 2, and Supplement No. 2 to London's FPC Gas Rate Schedule No. 4, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4

and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 1 to London's FPC Gas Rate Schedule No. 1, Supplement No. 1 to London's FPC Gas Rate Schedule No. 2, and Supplement No. 2 to London's FPC Gas Rate Schedule No. 4.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until September 3, 1958, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission (Commissioners Digby and Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F. R. Doc. 58-2542; Filed, Apr. 7, 1958;
8:47 a. m.]

TARIFF COMMISSION

[Investigation 62]

UMBRELLA FRAMES

NOTICE OF HEARING IN CONNECTION WITH SUPPLEMENTAL INVESTIGATION

A public hearing has been ordered by the United States Tariff Commission to be held in the Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D. C., beginning at 10 a. m., e. d. s. t., on May 27, 1958, in connection with the investigation supplemental to Investigation No. 62 under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to umbrella frames.

The Tariff Commission in its report of January 1958 to the President on escape-clause Investigation No. 62 under section 7 recommended the withdrawal of the tariff concession in the General Agreement on Tariffs and Trade (GATT) on "ribs and stretchers for umbrellas or parasols commonly carried in the hand when in use, composed wholly or in chief value of metal, in frames or otherwise (except those in frames valued over \$4.00 per dozen frames), and tubes for such umbrellas, wholly or partly finished, provided for in paragraph 342 of the Tariff Act of 1930."

The President in his letter of March 12, 1958, to the Tariff Commission, which is set forth in the notice of the institution of the supplemental investigation (23 F. R. 1976), requested the Commission to submit a supplemental report includ-

ing additional data on the industry's financial experience and the import pattern for the period ending March 31, 1958, and also including such other material as the Commissioners deem appropriate.

Requests to appear. All parties interested will be given an opportunity to be present, to produce evidence, and to be heard at the hearing. Parties desiring to appear at this hearing should notify the Secretary of the Tariff Commission in Washington, D. C., in writing, at least three days in advance of the date set for the hearing.

Issued: April 2, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-2548; Filed, Apr. 7, 1958;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK

TEMPORARY AUTHORITIES BOARD

APRIL 2, 1958.

The Interstate Commerce Commission announces the amendment, effective March 28, 1958, of item 7.4 (a) of its Organization Minutes to read as follows:

7.4 Temporary Authorities Board. (a) Section 210a (a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle, except applications involving broad questions of policy; matters in which the decision of the Board would be inconsistent with an order of the Commission or a division; matters in which substantially the same question is already before the Commission or a division; and applications received as a result of strikes which allegedly disrupt transportation in the areas involved. Matters herein excepted from the Board's jurisdiction shall be certified to Division 1 under Item 7.4 (d).

The effect of the amendment is to delete from the item as it formerly read the following text: "provided that any initial grant of temporary authority by the Temporary Authorities Board shall be limited to a period not exceeding 60 days, but may be continued by the Board, upon consideration of an appropriate petition, for a further period not to exceed an aggregate of 180 days."

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-2545; Filed, Apr. 7, 1958;
8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 3, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within

15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34588: Soda ash—Michigan and Ohio points to Nashville, Tenn. Filed by O. E. Schultz, Agent (ER No. 2427), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, carloads from Detroit and Wyandotte, Mich., Barberton, Fairport Harbor, Painesville, and Perry, Ohio to Nashville, Tenn.

Grounds for relief: Market competition with Baton Rouge, La.

Tariff: Supplement 83 to Agent H. R. Hinsch's tariff I. C. C. 4664.

FSA No. 34589: Sea-land service, class rates, Pan-Atlantic S. S. Corp., between eastern and southwestern points. Filed by Pan-Atlantic Steamship Corporation, Agent (No. 18), for interested carriers. Rates on various articles of freight on which class rates will be applied loaded in motor-truck trailers and transported aboard ship between specified points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, including eastern ports served by Pan-Atlantic, on the one hand, and specified points in Louisiana and Texas, including Gulf ports served by the Pan-Atlantic, on the other, via water, motor-water, water-motor, and motor-water-motor routes.

Grounds for relief: All-rail, rail-water, water-rail, and rail-water-rail competition.

Tariffs: Pan-Atlantic Steamship Corporation's tariff I. C. C. 277. Pan-Atlantic Steamship Corporation's tariff I. C. C. 279.

FSA No. 34590: Sea-land service, commodity rates, Pan-Atlantic S. S. Corp., between eastern and southwestern points. Filed by Pan-Atlantic Steamship Corporation, Agent (No. 19), for interested carriers. Rates on various commodities described in exhibit A of the application loaded in motor-truck trailers and transported aboard ship between specified points in states in trunk-line and New England territories, including ports served by Pan-Atlantic, on the one hand, and specified points in Texas, including Texas ports served by Pan-Atlantic, on the other.

Grounds for relief: All-rail, rail-water, water-rail, and rail-water-rail competition.

Tariffs: Supplement 14 to Pan-Atlantic Steamship Corporation's tariff I. C. C. 257. Pan-Atlantic Steamship Corporation's tariff I. C. C. 279.

FSA No. 34591: Sea-land service, class rates, Pan-Atlantic S. S. Corp., between eastern and southeastern points. Filed by Pan-Atlantic Steamship Corporation, Agent (No. 20), for interested carriers. Rates on various articles of freight on which class rates will be applied loaded in motor-truck trailers and transported aboard ship between specified points in Maryland, New York, and Pennsylvania, including ports served by Pan-Atlantic, on the one hand, and specified points in Alabama, Florida, Louisiana (east of the Mississippi River), and Mississippi, in-

cluding ports served by Pan-Atlantic, on the other.

Grounds for relief: All-rail, rail-water, water-rail, and rail-water-rail competition.

Tariffs: Pan-Atlantic Corporation's tariff I. C. C. 278. Pan-Atlantic Corporation's tariff I. C. C. 279.

FSA No. 34592: *Vegetables—South-eastern points to points in southern territory.* Filed by O. W. South, Jr., Agent

(SFA No. A3636), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), straight or mixed carloads from points in Alabama, Florida, Georgia, North Carolina, and South Carolina, and to points grouped therewith in National Rate Basis tariff to points in southern territory and Ohio and Mississippi River points, named in exhibit A of the application.

Grounds for relief: Short-line distance formula, grouping, and motor-truck competition.

Tariff: Supplement 21 to Agent C. A. Spaninger's tariff I. C. C. 1558.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

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